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FEDERAL REGISTER

VOLUME 9 NUMBER 256

Washington, Saturday, December 23, 1944

The President

EXECUTIVE ORDER 9507

AMENDING THE FOREIGN SERVICE REGULATIONS OF THE UNITED STATES

By virtue of the authority vested in me by sections 1745 and 1752 of the Revised Statutes of the United States (22 U.S.C. 127, 132), and by the act of May 22, 1918, 40 Stat. 559, as amended (22 U.S.C. 223, 224, 227; 22 U.S.C. Supp. 223, 225–226b), it is ordered as follows:

1. The Tariff of United States Foreign Service Fees, prescribed by section V–15 of the Foreign Service Regulations of the United States (E.O. No. 7968 of Sept. 3, 1938, as amended; 22 CFR, Cum. Supp., 105.15, 8 F.R. 16958), is hereby amended by revoking the following described parts thereof:

a. The seventh heading under Item No. 6, which reads "Issuance of Chinese certificate_____ $10.00."

b. The eighth heading under Item No. 6 which reads "The taking of an application for, and issuance of, a travel certificate for use in China_____ $1.00."

c. The words "including a Chinese certificate" in the third heading under Item No. 7.

d. Item No. 40.

2. Sections XXII–2 and XXII–4 of the Foreign Service Regulations of the United States (22 CFR, Cum. Supp., 122.2, 122.4), prescribed by Executive Order Nos. 8400 of April 29, 1940, and 8566 of October 15, 1940 (3 CFR, Cum. Supp., pages 655, 796), are hereby revoked.

3. Executive Order No. 8566 of October 15, 1940 (3 CFR Cum. Supp. page 796), is hereby revoked: *Provided*, That such revocation shall not effect a revival of the provisions of Executive Order No. 7224–A, dated November 14, 1935.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 20, 1944.

[F. R. Doc. 44–19309; Filed, Dec. 21, 1944; 2:51 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[WFO 79–102, Amdt. 7]

PART 1401—DAIRY PRODUCTS

DELEGATION OF AUTHORITY TO MARKET AGENTS IN THE ADMINISTRATION OF WAR FOOD ORDERS FOR THE CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM

Pusuant to War Food Order No. 79, as amended (8 F.R. 12426, 13283, 9 F.R. 4321, 4319), dated September 7, 1943, and to effectuate the purposes thereof, War Food Order No. 79–102, as amended (8 F.R. 16313, 9 F.R. 337, 4321, 4319, 4500, 10241, 11308, 12948, 14007), is hereby further amended by deleting in (7) of § 1401.135 (b) the words "for the quota period of December 1944."

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 79–102, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 79–102, as amended, in effect prior to the effective time hereof, shall continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 21st day of December 1944.

LEE MARSHALL,
Director of Distribution.

[F. R. Doc. 44–19319; Filed, Dec. 21, 1944; 4:54 p. m.]

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FEDERAL REGISTER

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per unit. The following are now available:

Book 1: Titles 1–3 (Presidential documents) with tables and index.
Book 2: Titles 4–9, with index.
Book 3: Titles 10–17, with index.
Book 4: Titles 18–25, with index.
Book 5, Part 1: Title 26, Parts 2–178.
Book 5, Part 2: Title 26, completed; Title 27; with index.
Book 6: Titles 28–32, with index.
Book 7: Titles 33–45, with index.
Book 8: Title 46, with index.
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PART 1415—IMPORTED FOODS

TEA QUOTAS, PACKING RESTRICTIONS, REPORTS, AND RECORDS FOR PACKERS AND WHOLESALERS

The provisions of § 1415.6, paragraphs (b), (c), (d), and (e) of War Food Order No. 18–3, as amended (9 F.R. 13943), issued on November 22, 1944, are temporarily suspended.

The provisions hereof shall become effective at 12:01 a. m., e. w. t., January 1, 1945, and shall continue in effect until 12:01 a. m., e. w. t., March 31, 1945, unless otherwise ordered by the Director. With respect to violations of said War Food Order 18–3, as amended, rights accrued, liabilities incurred, or appeals taken prior to the effective time hereof, the provisions of said War Food Order 18–3, as amended, and in effect prior to the time hereof, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 18, 8 F.R. 1778, 3244, 8388, 9103, 9 F.R. 4321, 4319, 9584)

Issued this 22d day of December 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44–19332; Filed, Dec. 22, 1944; 11:20 a. m.]

[WFO 19, Amdt. 4]

PART 1455—SPICES

RESTRICTED SPICES QUOTAS

War Food Order No. 19, as amended (8 F.R. 1827, 8916; 9 F.R. 2456, 4321, 4316, 9584), is further amended by deleting § 1455.1 (f) (1) and inserting, in lieu thereof, the following:

(1) On and after January 1, 1945, no packer shall accept, during any quota period, delivery of a quantity of pepper (black or white), or cassia (cinnamon), the amount of either of which is in excess of his quotas of the particular spice, as prescribed in this order, for the then current and the next succeeding quota periods, minus the amount of such spice which he had on hand at the beginning of such current quota period.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 19, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 19, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 22d day of December 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44–19330; Filed, Dec. 22, 1944; 11:20 a. m.]

[WFO 19–2, Amdt. 2]

PART 1455—SPICES

RESTRICTED SPICES QUOTAS

War Food Order No. 19–2, as amended (8 F.R. 8918, 9 F.R. 2458), is further amended as follows:

1. By deleting the table in § 1455.3 (b), and inserting, in lieu thereof, the following table:

Restricted Spice	*Percentage*
Black pepper and white pepper	40
Cassia (cinnamon)	25
Nutmeg	70

2. By deleting § 1455.3 (c) and inserting, in lieu thereof, the following:

(c) In lieu of a quota computed pursuant to (b) hereof, any packer, receiver, or industrial user may avail himself of a quota for any quota period of three months, as specified herein, of a total of 50 pounds of any restricted spice or any combination of restricted spices: *Provided,* That no more than 30 pounds of such 50 pounds alternative quota may consist of any restricted spice or any combination of restricted spices, exclusive of spice blends, having a quota percentage of 60 or less: *Provided further,* That no person who avails himself of the provisions of § 1455.1 (g) (2) of War Food Order No. 19, as amended, shall, in computing his quota pursuant to (b) hereof, include amounts of any restricted spice or any combination of restricted spices, exclusive of spice blends, delivered, accepted, or used in his business unit or units, for which he has availed himself of the alternative quota as permitted hereunder.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 19–2, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 19–2, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 19, as amended, 8 F.R. 1827, 8916, 9 F.R. 2456, 4321, 4319, 9584)

Issued this 22d day of December 1944.

LEE MARSHALL,
Director of Distribution.

[F. R. Doc. 44–19331; Filed, Dec. 22, 1944; 11:20 a. m.]

[WFO 63, Amdt. 1]

PART 1596—FOOD IMPORTS

RESTRICTIONS ON IMPORTS OF CERTAIN FOODS

War Food Order No. 63 (9 F.R. 13280), is amended to read as follows:

§ 1596.1 *Food imports*—(a) *Definitions.* For the purposes of this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) "Consignee" means the person to whom a food is consigned at the time of importation.

(2) "Director" means the Director of Distribution, War Food Administration.

(3) "Food" means any item or commodity listed from time to time in attached Appendix A as being subject to this order.

(4) "Governing date" with respect to any food means the date when such food first became subject to WFO 63.

(5) "Import" means to transport in any manner into the continental United States, Puerto Rico, or the Virgin Islands of the United States from any foreign country or from any territory or possession of the United States (including the Philippine Islands). It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States, Puerto Rico, or the Virgin Islands of the United States and shipments in bond into the continental United States, Puerto Rico, or the Virgin Islands of the United States for transshipment to Canada, Mexico, or any other foreign country.

(6) "In transit" means that food (i) is afloat, (ii) has had an on-board ocean bill of lading actually issued with respect to it, or (iii) has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States, Puerto Rico, or the Virgin Islands of the United States.

(7) "Owner" of any food means any person who has any property interest in such food except a person whose interest is held solely as security for the payment of money.

(8) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether or not incorporated.

(b) *Restrictions on imports*—(1) *General restriction.* No person, except as authorized in writing by the Director, shall purchase for import, receive or offer to receive on consignment for import, or make any contract or other arrangement for the importing of any food listed in Appendix A hereof after the governing date. The foregoing restrictions shall apply to the importation of any food listed in Appendix A, regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of such food.

In the issuance of authorizations, the Director shall act in accordance with the standards and guides set forth in paragraph (e) hereof.

(2) *Application for authorization.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the food to be imported, or agent or any of them, shall make application therefor on Form WPB–1041 or such other form as may be issued for this purpose by the Director, addressed to the Director of Distribution, War Food Administration, Washington 25, D. C., Ref: WFO 63. Unless otherwise expressly permitted, such authorization shall apply only to the particular food and shipment mentioned therein and to the persons and their agents concerned with such shipment. Such authorizations shall not be assignable or transferable either in whole or in part, except as authorized in writing by the Director.

(3) *Restrictions on financing.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation after the governing date of any food subject to this order, unless such bank or person either has received a copy of the authorization by the Director under the provisions of paragraph (b) (2) or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraphs (b) (4) and (b) (5).

(4) *Exceptions.* Unless otherwise directed by the Director the restrictions set forth in this paragraph (b) shall not apply:

(i) To the Foreign Economic Administration, U. S. Commercial Company, Commodity Credit Corporation, United States Army, or any other United States Governmental department, agency, or corporation, or any agent acting for any such department, agency, or corporation; or

(ii) To food of which any United States Governmental department, agency, or corporation is the owner at the time of importation, or to any food which the owner at the time of importation had purchased or otherwise acquired from any United States Governmental department, agency, or corporation; or

(iii) To food which on the governing date was in transit; or

(iv) To food consigned or imported as a sample where the value of each consignment or shipment is less than $25.00; or

(v) To food consigned as a gift or imported for personal use where the value of each consignment or shipment is less than $100.00; or

(vi) To food consigned as gifts for personal use by or to members of the Armed Services of the United States; or

(vii) To food grown, produced, or manufactured in the continental United States, and shipped outside the continental United States on consignment or pursuant to a contract of purchase, and which is now returned as rejected by the prospective purchaser; or

(viii) To food shipped into the United States in transit from one point in Mexico to another point in Mexico, or from one point in Canada to another point in Canada; or

(ix) To food which is located in, and which has been grown, produced or manufactured in Canada, Mexico, Guatemala, or El Salvador and transported therefrom into continental United States overland, by air, or by inland waterway. This exception shall not, however, extend to food which is marked with the designation (1) in Appendix A, attached.

(5) *Imports into Puerto Rico and the Virgin Islands.* (i) The restrictions of this order

(*a*) Shall not apply to inter-island shipments of food between Puerto Rico

and the Virgin Islands of the United States;

(b) Shall not apply to imports of food into Puerto Rico or the Virgin Islands of the United States from the continental United States;

(c) Shall apply to any shipment of food listed in Appendix A which originates in a foreign country and simply passes through the continental United States en route to Puerto Rico or the Virgin Islands of the United States; and

(d) Except as provided in (c) immediately above, shall apply to imports into Puerto Rico or the Virgin Islands of the United States only with respect to food which is marked with the designation (2) in Appendix A.

(ii) This order shall not affect any regulations now or hereafter issued by any governmental authority covering shipments of food from continental United States to Puerto Rico and the Virgin Islands of the United States.

(c) *Restrictions after importation.* Unless otherwise provided by the terms of the authorization issued pursuant to paragraph (b) (2), any food which is imported in accordance with the provisions of this order after the governing date, may be sold, delivered, processed, consumed, purchased, or received without restriction under this order; but all such transactions shall be subject to all applicable provisions of the regulations, orders and directions of the War Food Administration which now or hereafter may be in effect with respect to such food.

(d) *Change of commodities listed in Appendix A.* The Director may from time to time add to or remove commodities from Appendix A; *Provided,* That in so doing he shall follow the standards and guides set forth in paragraph (e) below.

(e) *Standards and guides.* In the issuance of authorizations, and in the addition or removal of commodities from Appendix A hereof, the Director shall follow these standards and guides: (1) he shall be satisfied that in the absence of such action the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of materials or facilities for defense or for private account or for export; (2) he shall take into consideration the following factors; the allocation, if any, of such food by the Combined Food Board; the effect of the importation of such food on the procurement of strategic materials; the availability of shipping facilities for the importation of such food; and (3) in the issuance of authorizations, the Director shall allocate the authorizations granted by him on a fair and equitable basis among different groups of applicants and among applicants within the same group.

(f) *Records and reports*—(1) *Reports on customs entry.* No food which is imported after the governing date, including food imported by or for the account of the Foreign Economic Administration, U. S. Commercial Company, Commodity Credit Corporation, United States Army, or any other United States Governmental department, agency, or corporation, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file in duplicate with the entry Form WFO 63–1. The filing of such form a second time shall not be required upon any subsequent entry of such food through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any food from bonded custody of the United States Bureau of Customs, regardless of the date when such food was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the Director of Distribution, War Food Administration, Washington 25, D. C., Ref.: WFO–63.

(2) *Records and other reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person as may be necessary or appropriate, in the Director's discretion, in the enforcement or administration of the provisions of this order.

(g) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Distribution, War Food Administration, Washington 25, D. C., Ref: WFO–63.

(h) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making deliveries of, or using any food covered by this order which is subject to allocations or priority control by the War Food Administrator. In addition, any person who willfully violates any provision of this order is guilty of a crime, and may be prosecuted under any or all applicable laws, including the act of June 28, 1940, as amended by the act of May 31, 1941, and Title III of the Second War Powers Act, 1942. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order. The Director may direct the disposition and use of any food which is imported without authorization as required by paragraph (b).

(i) *Unexpired authorizations under M–63.* Authorizations issued by the War Production Board under General Imports Order M–63 for foods subject to this order, shall be deemed valid under this order until their respective expiration dates.

(j) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator insofar as such powers relate to the administration of this order are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(k) *Effect on liability of removal of food from order.* The removal of any food from this order shall not be construed to affect in any way any liability for violations of the order which accrued or were incurred prior to the date of removal.

(l) *Effective date.* This amendment shall become effective at 12:01 a. m., e. w. t., December 23, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken prior to said date, under War Food Order No. 63, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability or appeal.

NOTE: All reporting requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 22d day of December 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

APPENDIX A—ITEMS SUBJECT TO WFO 63

The numbers listed after the following foods are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943). Foods are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

(Governing date November 13, 1944, unless otherwise indicated).

Food	*Commerce import class No.*
Alewives and other pickled or salted fish, n. s. p. f.[1] [2]	0073.300–0075.900 inc.
Anchovies, canned, not in oil, or in oil and other substances.[2]	0067.000
Anchovies, in oil or in oil and other substances.[2]	0064.200–0064.300
Apples, dried, desiccated, or evaporated.[1] [3]	1330.010
Apricots, dried, desiccated, or evaporated.	1330.120
Argols, tartar and wine less and crude calcium tartrate.	8329.000, 8330.000, 8380.013
Babassu nuts and kernels	2239.130, 2239.150
Babassu nut oil	2257.100
Barley	1020.000
Beans, dried, except fava beans.	N. S. C.
Beef and veal, pickled or cured.[2]	0029.000
Beef, canned, including corned beef.[2]	0028.000
Beef, fresh, chilled or frozen.[2]	0018.000
Beef and mutton tallow—includes oleo stock.[2]	0036.600
Beef and mutton tallow (inedible) — includes oleo stock.	0815.600
Blood, dried n. s. p. f.	8505.000
Bones, ground, ash, dust, meal and flour.	0911.300
Brazil or cream nuts	1356.000, 1357.000

See footnotes at end of table.

Food	Commerce import class No.
Butter	0044.000
Cacao butter (cocoa butter).	1420.000
Cassia buds, unground	1533.000
Cassia, cassia vera, unground.	1533.100
Cassia, cassia buds and cassia vera, ground.	1550.070
Cheese	0045.100–0046.990 inc.
Chickens and guineas:	
Dead, fresh, chilled or frozen, dressed or undressed.[2]	0025.400
Live	N. S. C.
Prepared or preserved	N. S. C.
Chickpeas and garbanzos, dried.[1]	1200.000
Chickle, crude and refined or advanced.[1]	2131.000, 2189.300
Cinnamon and chips of, unground.	1526.000
Cinnamon and chips of, ground.	1550.030
Cocoa beans or cacao beans	1501.300
Cocoa, unsweetened and sweetened.	1502.100, 1502.300, 1502.900
Coconuts, in the shell	1351.000
Coconut meat, shredded and desiccated or similarly prepared.	1379.000
Coconut oil	2242.500
Cod, haddock, hake, pollock, and cusk, pickled or salted (except in oil, etc., and in airtight containers, weighing, with contents, not over 15 lbs. each),[1 2]	0069.000, 0069.200, 0069.900
Coffee, raw or green, roasted or processed.[1]	1511.000, 1511.100
Cohune nuts and kernels	N. S. C.
Cohune nut oil	N. S. C.
Combinations and mixtures of animal, vegetable, or mineral oils, or any of them, with or without other substances, not specially provided for.	2260.120
Copra	2232.000
Corn [2]	1031.000
Corn, cracked [2]	1090.180
Corn meal, flour, grits, and similar products.	1090.190
Corned beef hash [2]	1250.230
Cottonseed oil, crude, refined.	1423.100, 1423.200
Currants, dried	N. S. C.
Dates, dried	N. S. C.
Egg albumen, dried	0094.000
Egg albumen, frozen or otherwise prepared or preserved, n. s. p. f.	0095.000
Eggs (chicken) whole, in the shell.	0088.100
Eggs, dried	0090.000
Eggs, frozen, or otherwise prepared or preserved, n. s. p. f.	0091.000
Eggs of poultry other than chicken, whole, in the shell.	0088.500
Egg yolks, dried	0092.000
Egg yolks, frozen or otherwise prepared or preserved, n. s. p. f.	0093.000
Fatty acids, not specially provided for, derived from vegetable oils, animal or fish oils, animal fats and greases, not elsewhere specified:	
Cottonseed oil	2260.220
Linseed oil	2260.210
Soybean oil	2260.230
Other, not elsewhere specified.	2260.240

See footnotes at end of table.

Food	Commerce import class No.
Figs, dried	N. S. C.
Fish scrap and fish meal	0976.000, 8509.700
Flaxseed (linseed) [1]	2233.000
Guano	8504.000
Gums, n. e. s., used in manufacturing chewing gum.	N. S. C.
Herring (including sprats, pilchards, and anchovies), all types.[1 2]	0070.000–0070.900 inc.
Lamb, fresh, chilled or frozen.[2]	0022.000
Lard (including rendered pork fat).[2]	0036.000
Lard compounds and lard substitutes made from animal or vegetable oils and fats.[2]	0036.100
Leche caspi (including crude sorva gum).	2170.000
Lentils	1199.000
Linseed oil, and combinations and mixtures, in chief value of such oil.	2254.000
Mace, unground	1540.000
Mace, ground	1550.090
Mace, Bombay or wild, unground.	1549.200
Mace, Bombay or wild, ground.	1550.100
Meats, canned, n. e. s., and prepared or preserved meats, n. s. p. f. (include liver paste).[2]	0032.900
Meat extracts, including fluid.	0096.000
Milk, condensed and evaporated.	0040.000, 0040.100, 0040.700
Milk, skimmed, dried	0041.100
Milk, whole dried	0041.000
Molasses and sugar sirup [1]	1630.480–1630.990 inc.
Mutton, fresh, chilled or frozen.[2]	0021.000
Neatsfoot oil and animal oils known as neatsfoot stock.	0808.950
Nitrogenous material, n. s. p. f. (including hoof meal and horn meal).	8509.800
Nutmegs, unground	1539.000
Nutmegs, ground	1550.110
Oats, hulled and unhulled	1041.000, 1041.100
Offal, edible [2]	0023.600
Oil cake and oil cake meal:	
Coconut or copra [1]	1111.000
Soybean [1 2]	1112.000
Cottonseed [1]	1114.000
Linseed [1]	1115.000
Peanut [1 2]	1119.600
Hempseed [1]	1119.700
Other, n. s. p. f.[1]	1119.900
Oleo oil [2]	0036.200
Oleo stearin [2]	0036.300
Ouricury (uricury) nuts and kernels.	2239.610, 2239.620
Ouricury (uricury) oil, inedible and edible.	2257.800, 2257.830
Palm kernel oil	2248.000
Palm nut kernels	2236.500
Palm oil	2243.000
Peaches, dried, desiccated, or evaporated.	1330.620
Peanut (ground nut) oil [1]	1427.000
Peanuts, shelled or not shelled.[1]	1367.000, 1368.000
Pears, dried, desiccated, or evaporated.	1330.670
Peas, dried, ripe and split	1197.000, 1198.000
Pepper, black or white, unground.	1541.000, 1542.000
Pork: [2]	
Fresh or chilled	0020.100
Frozen	0020.500

Food	Commerce import class No.
Pork, hams, shoulders, bacon, sausage; prepared, cooked, boned, canned, etc.[2]	0030.900, 0031.900
Prunes, prunelles, and plums:	
Dried, desiccated, or evaporated.	1330.540
Otherwise, prepared or preserved, n. s. p. f.	1330.550
Raisins:	
Made from seedless grapes	1319.100
Other	1319.200
Rapeseed [1]	2237.000
Rapeseed oil, denatured and not denatured.[1]	2246.000, 2253.000
Rice:	
Paddy	1051.000
Uncleaned or brown rice	1051.100
Cleaned or milled rice	1053.000
Patna rice, cleaned, for use in canned soups.	1054.000
Rice meal, flour, polish and bran.	1059.100
Broken	1059.200
Rye	1044.000
Sardines, in oil or in oil and other substances.[2]	0063.200, 0063.300
Sesame oil, edible and inedible.[1]	1428.200, 2249.000
Sesame seed [1]	2234.000
Soap (except Castile) and soap powder.[2]	8712.300–8712.900 inc.
Sugar, cane	1610.750–1610.000 inc.
Sunflower oil, edible and denatured.[1]	1421.000, 2247.000
Sunflower seed [1]	2240.000
Syrups and extracts for use in the manufacture of beverages.[1]	N. S. C.
Tankage (incl. cracklings, greave cakes, liver meal, meat meal, meat flour, meat scrap, etc.)	0975.000, 8509.600
Tartaric acid	8207.000
Tea, not specially provided for.	1521.000
Tuna fish, in oil or oil and other substances.[2]	0065.200
Tung oil (China wood oil)	2241.000
Turkeys:	
Dead, fresh, chilled or frozen, dressed or undressed.[2]	0024.000
Live	0014.000
Prepared or preserved	N. S. C.
Veal, fresh, chilled or frozen.[2]	0019.000

[1] See paragraph (b) (4) (ix).
[2] See paragraph (b) (5) (i).
[3] Governing date Nov. 13, 1944 except as covered by (b) (4) (ix) for which governing date is Dec. 23, 1944.

N. S. C.—No separate class or commodity number has been assigned for the food as described by the Department of Commerce, Statistical Classification of Imports.

[F. R. Doc. 44-19333; Filed, Dec. 22, 1944; 11:20 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 711—WOMEN'S ARMY CORPS

The following §§ 711.1 to 711.3 inclusive, §§ 711.18 and 711.19 are rescinded and the following substituted in lieu thereof:

The regulations in §§ 711.1 to 711.7 are also contained in W. D. Circular No. 462, 6 December 1944, the particular para-

graphs being shown in brackets at end of sections.

Sec.
711.1 Status and statutory authority.
711.2 Mission.
711.3 Composition and organization.
711.4 Applicable regulations.
711.5 Eligibility for enlistment and reenlistment.
711.6 Promotion and relative rank.
711.7 Release of members of Women's Army Corps for appointment in Medical Department.

AUTHORITY: §§ 711.1 to 711.7, inclusive, issued under the authority of act 1 July 1943 (Public Law 110—78th Cong.)

§ 711.1 *Status and statutory authority.* The Women's Army Corps is a component of the Army of the United States, under authority of act 1 July 1943 (Public Law 110—78th Cong.) [Par. 1]

§ 711.2 *Mission.* The mission of the Women's Army Corps is to further the war effort by releasing male soldiers of the Army of the United States for appropriate military duties, and by making available to the Army the knowledge, skill, and special training of the women of the Nation. [Par. 2]

§ 711.3 *Composition and organization*—(a) *Composition.* The Women's Army Corps will consist of the Director of the Women's Army Corps who will be a colonel in the Army of the United States and such commissioned officers of lower grade, warrant officers, and enlisted personnel as are authorized by the Secretary of War, but will not exceed the number authorized from time to time by the President.

(b) *Organization.* The Corps will be organized into the Office of the Director; such training centers, schools, and other installations as may be required; and such units, detachments, and individuals as may be assigned for duty with the various continental and oversea commands. [Par. 3]

§ 711.4 *Applicable regulations.* The provisions of Army Regulations, War Department circulars, and other instructions apply to members of the Women's Army Corps, its officers, warrant officers, and enlisted women, except where inappropriate, as modified herein, or by appropriate War Department directives. Whenever the terms "officer," "warrant officer," and "enlisted man" are used in existing regulations, they will be construed to include officers, warrant officers, and enlisted women of the Women's Army Corps. [Par. 6]

§ 711.5 *Eligibility for enlistment and reenlistment*—(a) *General.* Any female citizen of the United States who is of excellent character, who meets the required mental and physical requirements, and who is eligible under the conditions below, may be enlisted or reenlisted in the Army of the United States within authorized quotas.

(b) *Age.* An applicant must have attained her 20th but not her 50th birthday.

(1) *Completion of enlistment prior to 50th birthday.* No applicant will be given the oath of enlistment who has attained her 50th birthday, regardless of date of application for enlistment.

(2) *Proof of date and place of birth.* Satisfactory proof of date and place of birth should be established by one of the following: Birth certificate or photostatic copy thereof, bonafide school, institutional, or baptismal or other church records, showing birth date of applicant; affidavit of physician or midwife attending birth of applicant; affidavit of parent or parents; affidavit of relative or responsible party in those cases where no reasonable doubt of age or place of birth exists.

(c) *Citizenship.* An applicant must be a citizen of the United States.

(1) Proof of date and place of birth as required in paragraph (b) (2) of this section will be considered proof of citizenship in the case of native born citizens.

(2) In cases of naturalized citizens, final naturalization papers must be presented.

(3) In those instances where an applicant became naturalized while a minor through the naturalization of parent or parents, a certificate of derivative citizenship or parents' final papers will be considered proof of citizenship.

(4) In the absence of original papers for presentation as evidence of naturalization, the applicant may obtain official documentary proof by writing the Commissioner of Immigration and Naturalization, Philadelphia, Pennsylvania, and paying the required fee.

(d) *Education.* The minimum educational qualifications will be at least 2 years of high school or equivalent schooling, such as business, vocational, or trade school.

(e) *Physical standards.* (1) Physical standards are as prescribed in AR 40–100[1] with the following exceptions:

(i) Dental requirements for enlistment in the Women's Army Corps.

(ii) In addition to the causes for rejection listed in, AR 40–100, a venereal disease will be disqualifying for enlistment.

(iii) The weight requirements for women less than 62 inches in height are as follows:

ACCORDING TO AGE AND HEIGHT

Height (inches)	20–25			26–30			31–35			36–40			41–45			46–49		
	Minimum	Standard	Maximum	Minimum	Standard	Maximum	Minimum	Standard	Maximum	Minimum	Standard	Maximum	Minimum	Standard	Maximum	Minimum	Standard	Maximum
58	100	108	127	100	111	131	100	114	134	103	117	138	105	120	141	107	122	143
59	103	111	130	103	114	134	103	117	137	105	120	141	108	123	144	110	125	146
60	105	114	133	105	117	137	105	120	140	108	123	144	111	126	147	113	128	149
61	105	117	137	105	120	140	108	123	144	111	126	147	114	129	151	116	131	153

(2) Limited military service for officers of the Women's Army Corp is authorized as specified for female components of the Medical Department in Army Regulations.

(3) Deviations from normal physical standards that will not interfere with nor prevent the full and satisfactory performance of the duty for which the individual is being enlisted, appointed, or is being ordered to active duty, and that are not of a nature likely to be aggravated to a disabling degree by the type of military service contemplated to be performed, may be waived, in the manner and under the conditions authorized, by commanding generals of service commands as prescribed in current War Department regulations. [Par. 10]

(f) *Dependents*—(1) *Children.* (i) A woman with a child or children under 14 years of age may be enlisted only under the following conditions:

If she has become legally, or in fact, divested of the care, custody, control, and support of such child or children at least 18 months prior to date of her application, established by the submission of proper proof as follows:

(*a*) If by court action, a certified copy of court order or other court action.

(*b*) If not by court action, but in fact, by the affidavits of the prospective recruit and the person or persons exercising care, custody, control, and support of the child or children.

(ii) A woman with a child or children between their 14th and 18th birthdays dependent upon her for partial or chief support is eligible for enlistment. However, dependency benefits under the provisions of the Servicemen's Dependents Allowance Act of 1942, as amended, may be claimed only in the case of such children who are dependent upon the applicant for chief support.

(iii) A woman with a child or children between their 18th and 21st birthdays legally or in fact, dependent upon such woman for care, custody, control or support is not eligible for enlistment. (In this connection cognizance should be taken of the fact that in certain jurisdiction women 20 years of age, are by statute, no longer subject to parental control.)

(2) *Other dependents.* (i) A woman with a husband dependent upon her for partial or chief support is eligible for enlistment. However, dependency benefits under the provisions of the Servicemen's Dependent's Allowance Act of 1942, as amended, may be claimed only in the case of a husband who is dependent upon the applicant for chief support.

(ii) A woman who has parents, brothers, or sisters dependent upon her for support is eligible for enlistment, and may claim family dependency benefits under provisions of the Servicemen's Dependent's Allowance Act of 1942, as amended.

[1] Standards of Miscellaneous Physical Examination.

(g) *Enlistment of those having previous military service*—(1) *General.* An applicant who has been honorably discharged from the WAAC/WAC, whose discharge certificate does not state that she is ineligible for reenlistment (see AR 615–365) may enlist in the grade of private in the Army of the United States: *Provided*, She is otherwise qualified for enlistment as of date of new application: *And provided*, Her application is approved by The Adjutant General. Such an application will be forwarded with appropriate recommendation through channels to The Adjutant General, Attention Appointment and Induction Branch, Washington 25, D. C., for determination of acceptability.

(2) *Reenlistment of former commissioned officers.* A former officer of the WAC who applies within 3 months after the honorable termination of commissioned service may reenlist in the grade held by her in the WAAC/WAC immediately preceding such commissioned service, provided she is otherwise qualified, and the provisions of (1) of this paragraph are complied with, regardless of whether a vacancy exists in the appropriate grade. She will be entitled to count active commissioned service in the Army of the United States as service for all purposes.

(3) *Enlistment of former member of another armed service of the U. S.* Enlistment of a former member of another armed service of the United States is not authorized without approval of The Adjutant General. Request for such enlistment will be forwarded through channels to The Adjutant General, Attention Appointment and Induction Branch, Washington 25, D. C., for determination of acceptability.

(h) In addition to persons described in AR 600–750,[2] personnel of the following classes are ineligible for enlistment and reenlistment:

(1) Women whose service in the Women's Army Auxiliary Corps/Women's Army Corps, or any of the other armed services of the United States, was terminated under other than honorable conditions.

(2) Women who hold degree as doctors of medicine and registered nurses who are eligible for appointment in the Army Medical Corps or the Army Nurse Corps. [Par. 26]

§ 711.6 *Promotion and relative rank.* (a) Promotion of Women's Army Corps officers will be made in accordance with current War Department policy governing the temporary promotion of officers in the Army of the United States. Commissioned service in the Women's Army Auxiliary Corps will be included in computing periods of service required for eligibility for promotion. Statutory provisions prohibit promotion of Women's Army Corps officers to the grade of colonel.

(b) All officers appointed in the Army of the United States and assigned to the Women's Army Corps will take rank in the same manner as other persons who are appointed in the Army of the United States, except that those officers who formerly held appointments as officers in the Women's Army Auxiliary Corps will take rank in the same manner as Reserve officers called into the service of the United States; and for this purpose service in the Women's Army Auxiliary Corps in the grade equivalent to that which any such officer was appointed in the Army of the United States will be deemed active Federal service. [Par. 19]

§ 711.7 *Release of members of Womens' Army Corps for appointment in Medical Department.* (a) Personnel of the Women's Army Corps, both officers, warrant officers, and enlisted women, may be released from the Women's Army Corps for appointment in the Medical Department of the Army as nurses, dietitians, or physical therapists if found to be professionally qualified for such appointment by The Surgeon General. In each such appointment The Adjutant General will direct the honorable discharge of the individual from the Women's Army Corps as of the day preceding entry upon duty with the Medical Department so that service may be continuous.

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 44–19310; Filed, Dec. 21, 1944; 3:01 p. m.]

[2] Recruiting and Induction for the Army of the United States.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

[Docket No. FDC–33]

PART 16—ALIMENTARY PASTES; DEFINITIONS AND STANDARDS OF IDENTITY

MACARONI AND NOODLE PRODUCTS

In the matter of fixing and establishing a definition and standard of identity for each of the following foods: Macaroni products; milk macaroni products; whole wheat macaroni products; wheat and soy macaroni products; vegetable macaroni products; noodle products; wheat and soy noodle products; vegetable noodle products.

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055; 21 U.S.C. 341, 371, 1940 ed.); the Reorganization Act of 1939 (53 Stat. 561 ff; 5 U.S.C. 133–133v); and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); upon the basis of evidence of record herein; and upon consideration of exceptions filed to the proposed order issued by the Acting Federal Security Administrator on December 17, 1942 (7 F.R. 10728), the following order is hereby promulgated:

Findings of fact. 1. "Macaroni products" is a collective name commonly used in the trade and to a considerable extent on the labels of such products to designate a class of foods each of which is prepared from semolina, durum flour, farina, flour, or any combination of two or more of these, made into a dough with water. Occasionally salt is added as seasoning. Other optional ingredients hereinafter noted are sometimes added. The dough is formed into units of a wide variety of shapes and sizes, and is then dried.

2. The water content of the finished macaroni products varies somewhat but is usually between 11.5 percent and 12.5 percent. If they are insufficiently dried they do not have the texture and brittleness expected in such products and are liable to spoilage through molding or souring. Since 1927 the advisory standards under the Food and Drugs Act of 1906 have prescribed a maximum moisture limit of 13 percent. This limit has been generally observed by the industry. In the manufacture of these products it is entirely practicable to bring the water content below 13 percent. This corresponds to a total solids content of not less than 87 percent.

3. The method prescribed on page 235 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940, under "Vacuum Oven Method—Official," is the method generally used to determine the total solids content of macaroni products and is recognized among food chemists as the most accurate method known at the present time for this purpose.

4. As noted in finding 1, macaroni products are formed into units of a wide variety of shapes and sizes. Some are tubular, straight or curved, in varying diameters and lengths. Others are cord-shaped, straight or curved or twisted into "nests," and of varying diameters and lengths. There are many other shapes and sizes, such as "shell," "bow ties," "stars," "alphabet." One hundred thirty or more different shapes and sizes are marketed.

5. Many manufacturers who put out a large variety of shapes and sizes label all their packages with the generic designation "macaroni products" and supplement this with a specific designation or with pictorial illustrations indicative of the size and shape. The designation "macaroni product" has been used infrequently to include noodle products also, but the term generally used to include both types of products (as well as the other related products hereinafter referred to) is "alimentary paste." The unqualified word "macaroni" is widely used as the name of a product of a particular size range and shape (see findings 8 and 10), and is also used at times as a generic designation in lieu of the term "macaroni product." The labeling of a substantial proportion of the production bears no generic designation but bears the name "macaroni," "spaghetti," etc. used in a specific sense.

6. The specific designations used for most of the various sizes and shapes are Italian words. In most cases the record does not indicate with any certainty the particular sizes and shapes to which these designations are applied. Use of these terms is not entirely uniform; the

same designation may be used by different manufacturers for different sizes or shapes. These designations are usually understood by consumers of Italian origin or descent, but most of the designations, such as "zitoni," "capellini," "maruzze," "farfalle," are meaningless to American consumers generally. The sale of articles under these names is not restricted to the so-called Italian trade.

7. Specific designations which appear to be understood by the public generally are "macaroni" and "spaghetti." (These names are frequently qualified by such descriptive words as "elbow" in the case of macaroni and "thin" in the case of spaghetti.) Some persons of non-Italian origin understand the designation "vermicelli". These three names have been included in advisory standards under the Food and Drugs Act of 1906 since 1917 and appear in current dictionaries of the English language. The greatly predominating proportion of macaroni products, perhaps over 90 percent of the total production, is purchased under these three names.

8. The name "macaroni" is regarded by consumers generally as a specific name indicative of size and shape, rather than as a generic name. The names "spaghetti" and "vermicelli" are regarded only as specific names, both in the trade and by consumers.

9. Consumers distinguish the various kinds of macaroni products on the basis of sizes and shapes. It would be misleading to sell one size and shape under the name of another.

10. The food commonly and usually known as "macaroni" is prepared as described in finding 1 and is formed into tubular units, the diameter of which is more than 0.11 inch but not more than 0.27 inch.

11. The food commonly and usually known as "spaghetti" is prepared as described in finding 1 and is formed into cord-shaped or tubular units, the diameter of which is more than 0.06 inch but not more than 0.11 inch.

12. The food commonly and usually known as "vermicelli" is prepared as described in finding 1 and is formed into cord-shaped units, the diameter of which is not more than 0.06 inch.

13. Thin-walled macaroni products cook more quickly than those with thick walls. Frozen or dried egg white has been used to some extent as an ingredient of thin-walled macaroni products to prevent the collapse of the units during and after cooking, and is suitable for such use. Freshly separated egg white is also suitable. The quantity needed for this purpose is such that the finished product contains not more than 2 percent and not less than 0.5 percent by weight of egg white solids.

14. Egg white is not used in macaroni products to enhance nutritive value, but is used solely for the purpose stated in finding 13. There was no proposal for the use of egg white and no evidence that it would be suitable for use for such purpose in any alimentary paste except macaroni products.

15. Products designated as "milk macaroni" or as macaroni or spaghetti "enriched with milk" have been on the market for a number of years. These products are of the same composition as ordinary macaroni and spaghetti except that they contain varying quantities of the solids of milk or skim milk. One firm prepares both macaroni and spaghetti with 2 percent of dried milk; the labeling and advertising of these products stress the use of milk, and tend to give consumers an exaggerated impression of the quantity of milk present. Another firm puts out as "milk macaroni" a product in which milk of 4 percent fat content is used as the sole moistening ingredient in making the dough. Two other firms use dried skim milk in articles marketed as "milk macaroni."

16. The use of liquid milk of average composition as the sole moistening ingredient in preparing the dough (corresponding to the common practice in making milk bread) results in a finished product having characteristics differing substantially from those of macaroni products. Accurate and informative names for products so prepared are the same as the names of the corresponding sizes and shapes of macaroni products, preceded by the word "milk."

17. In lieu of fluid milk, milk ingredients which are suitable for use in making milk macaroni products are dried milk, reconstituted milk, concentrated milk, and evaporated milk, with such quantity of added water as is necessary to make the dough. If milk of average composition is used as the sole moistening ingredient in making the dough the finished milk macaroni product contains not less than 3.8 percent by weight of milk solids, and a reasonable requirement when the milk ingredients specified above are used in lieu of milk is that they contribute at least as much milk solids as fluid milk of average composition contributes when it is used as the sole moistening ingredient. Because of variation in the total solids content of milk and because of the limited absorption of the moistening ingredient used in making the dough it would not be reasonable to prescribe a minimum based on the average composition of milk for the milk solids content of milk macaroni products when liquid milk is used as the sole moistening ingredient.

18. Reconstituted milk is usually made from dried skim milk, butter, and water. Skim milk, concentrated skim milk, and evaporated skim milk, with water added as necessary, are also suitable for use in lieu of dried skim milk. When milk is reconstituted, it is reasonable to require that the weight of nonfat milk solids be not more than 2.275 times the weight of milk fat, which is the ratio of nonfat solids to fat in milk of average composition.

19. Findings 2 and 3 are applicable to milk macaroni products. The specifications of shapes and sizes in findings 10, 11, and 12 are applicable to milk macaroni, milk spaghetti, and milk vermicelli, respectively.

20. The evidence does not establish that the presence of milk solids in any quantity less than that which results from the use of liquid milk as the sole moistening ingredient in making the dough results in any consumer preference over products made without milk, or otherwise serves any purpose useful to the consumer. The record does not contain sufficient evidence upon which to base definitions and standards of identity providing for the use of any form of skim milk, except as described in finding 18, in any alimentary paste. The record indicates that dried skim milk has been used as a pretext for representations that such products contain milk.

21. Products sold as "whole wheat macaroni," "whole wheat spaghetti," and "whole wheat linguine" are on the market. They differ from ordinary macaroni products only in that whole wheat flour is used as the sole wheat ingredient. Whole durum wheat flour, alone or in combination with whole wheat flour, is also suitable for this purpose. Accurate and informative names for these products are the same as the names of the corresponding sizes and shapes of macaroni products, preceded by the words "whole wheat." Findings 2 and 3 are also applicable to whole wheat macaroni products. The specifications of shapes and sizes in findings 10, 11, and 12 apply to whole wheat macaroni, whole wheat spaghetti, and whole wheat vermicelli, respectively.

22. "Noodle products" and "egg noodle products" are collective names commonly used to designate a class of foods each of which is usually prepared as described in finding 1 except that liquid, frozen, or dried eggs or egg yolks are added in making the dough.

23. The minimum quantity of egg solids or egg yolk solids that should be present in commercially prepared egg noodle products has long been recognized in the trade as 5 percent, or 5.5 percent on a moisture-free basis. As early as 1916 the advisory standard under the Food and Drugs Act of 1906 prescribed a minimum of 5 percent egg solids. In 1927 the standard was revised to require not less than 5.5 percent on a moisture-free basis, which is an approximately equivalent amount. The use by some manufacturers of less than 5.5 percent egg solids or egg yolk solids (calculated to a moisture-free basis) tends to deceive consumers and is regarded by the industry generally as unfair competition.

24. Findings 2 to 4, inclusive, are applicable to noodle products, except that the record does not show the approximate number of different shapes and sizes that are marketed. In many cases the record does not indicate with any certainty the particular shapes, or shapes and sizes, to which the specific names of the various noodle products are applied.

25. Noodle products are usually formed into ribbon-shaped units. The terms "noodles" and "egg noodles" are common and usual names which are ordinarily used to designate noodle products in such units. Sometimes noodle products are made in the same shapes and sizes as macaroni, spaghetti, and vermicelli. "Egg macaroni," "egg spaghetti," and "egg vermicelli" are common and usual names for noodle products the units of which are of the respective

shapes and sizes specified in findings 10, 11 and 12.

26. The advisory standards under the Food and Drugs Act of 1906 recognized under the names "plain noodles" and "water noodles" a dried alimentary paste made from wheat flour without egg or with less than 5 percent egg solids. This led to confusion because the word "noodle" is so generally understood to be an egg product and the qualifying words do not definitely show the absence of egg. The names "plain noodles" and "water noodles" have no legitimate place in the nomenclature of alimentary pastes.

27. The use in macaroni products or egg noodle products of artificial coloring or other colored ingredients which impart a color simulating that of an egg product is a deceptive and unfair practice that has been followed to some extent.

28. During recent years there has appeared on the market a class of foods which differ from ordinary macaroni products and egg noodle products in that the wheat ingredient is partly replaced by a kind of flour made from soybeans. Such flour is made from dehulled soybeans that have been heat processed to remove the bitter principle. Part or all of the soybean fat may be removed in the production of such flour. A kind of flour is also made from dehulled raw soybeans, but the record contains no evidence that this is suitable for use in such foods.

29. The quantity of soybean flour used in such foods varies widely, ranging from about 5 to 30 percent. With one-third soy flour and two-thirds wheat flour made in the form of long spaghetti the product breaks down while drying. With equal parts of soy and wheat flours the product does not hold together in lengths greater than 6 or 8 inches.

30. When 5 percent soy flour is used the finished product is not significantly different from straight wheat products, although this quantity of soy flour imparts enough yellow color to make a flour product resemble a better product made from semolina. When 8 percent soy flour and 2 percent egg solids are used the finished product looks like egg noodles containing a very substantial quantity of eggs. When 10 percent soy flour is used the color of the finished product closely simulates egg products.

31. Differences between such products and ordinary macaroni and noodle products in respect to taste, appearance, and protein content increase as the soy flour content is increased, and first become significant when the soy flour content reaches about 12.5 percent. A requirement that the soy flour used be not less than 12.5 percent of the weight of the combined soy and wheat ingredients is a reasonable limitation.

32. Such foods have usually been labeled with such names as "soy macaroni," "soy spaghetti," "soy noodles." The record does not establish that consumers generally have become familiar with such names or recognize them as signifying mixed wheat and soy products. Because soy flour is well known to be a flour-like product such names are likely to mislead consumers into the belief that these foods are made entirely of soy flour instead of a mixture of soy flour with a wheat ingredient in which the latter predominates. Names which are accurate and informative are, for example, "wheat and soy macaroni," "wheat and soybean noodles," or such names in which the word "wheat" is replaced by the common name of the wheat ingredient used.

33. Findings 2 and 3 are applicable to wheat and soy macaroni products and to wheat and soy noodle products. The specifications of shapes and sizes in findings 10, 11, and 12 apply to wheat and soy macaroni, wheat and soy spaghetti, and wheat and soy vermicelli, respectively. The final sentence of finding 23 is applicable to wheat and soy noodle products. The specifications as to shapes and sizes in finding 25 are applicable to the corresponding wheat and soy noodle products.

34. Macaroni products and noodle products with added vegetables are on the market. The vegetables in use for this purpose or proposed for such use are spinach, tomatoes of red varieties, carrots, artichokes, parsley, beets. Such vegetables may be fresh, canned dried, or in the form of puree or paste. The record does not show that yellow tomatoes are used or whether if they were used, they would impart a color resembling egg.

35. The quantity of such vegetables generally used, and necessary to impart distinctive characteristics of color, flavor, and taste, is such that the finished product contains not less than 3 percent by weight of the solids of the vegetable used. When used in such quantity none of these vegetables imparts a color resembling egg.

36. The common and usual names of such products are the same as the names of the corresponding shapes and sizes of macaroni products and noodle products except that such names are preceded by the common name of the vegetable used, as for example, "tomato macaroni," "spinach noodles."

37. Findings 2 and 3 are applicable to vegetable macaroni products and vegetable noodle products. The specifications of shapes and sizes in findings 10, 11, and 12 apply to vegetable macaroni, vegetable spaghetti, and vegetable vermicelli, respectively. The final sentence of finding 23 is applicable to vegetable noodle products. The specifications as to shapes and sizes in finding 25 are applicable to the corresponding vegetable noodle products.

38. Ingredients sometimes used to season macaroni products and noodle products are onions, celery, garlic, and bay leaf. Such ingredients are also suitable for use in related products (e. g., wheat and soy macaroni, spinach noodles). These are unusual ingredients of alimentary pastes which are not normally found in such products, and it is in the interest of consumers that the labels of such products reveal the presence of any such ingredients. A label statement which is accurate and informative is "Seasoned with ——," the blank being filled in with the common name of the substance used as seasoning, or in the case of bay leaves the statement "Spiced," "Spice added, or "Spiced with Bay Leaves."

39. The length of time required to cook macaroni products is a matter that has assumed importance in the industry and to consumers. By adding from one-half to one percent of disodium phosphate in the preparation of macaroni products cooking time is reduced. Disordium phosphate is not now used in macaroni products but a proposal that its use be authorized was advanced at the hearing, and in such quantity it is suitable for such use. The proposal was limited to macaroni products and did not extend to other alimentary pastes. It is a matter of consumer interest that the labels of macaroni products containing disoduim phosphate reveal that fact and the purpose for which it is used. A label statement which is accurate and informative is "disodium phosphate added for quick cooking."

40. A proposal was advanced at the hearing that the use of one percent of soybean lecithin be authorized in macaroni products and noodle products. It was claimed that lecithin improves the texture, prevents disintegration and the leaching out of solids during cooking, and prevents leakage of moisture from the cooked and drained product. It was also claimed that by the use of lecithin a better macaroni can be made from soft wheat (low protein) flour than from equal parts of soft wheat flour and hard winter wheat (high protein) flour without lecithin.

41. The record does not establish the claimed results of the use of lecithin in macaroni products or noodle products. It does show that the use of lecithin in articles sold as noodle products vitiates the chemical criteria whereby the quantity of egg solids is usually determined, thus making it possible to use less than the recognized minimum of eggs or egg yolks and escape detection.

42. Proposals were advanced at the hearing for definitions and standards of identity for "glutenous macaroni" and "glutenous spaghetti." It was suggested that these articles should conform in composition to the requirements for macaroni products except that gluten or gluten flour should be added in such quantity as to raise the protein content of the finished product to not less than 18 percent. This minimum limit was suggested because the original Russian durum wheat had a protein content of about that amount, although through the years of its cultivation in this country the protein content has fallen to around 12 to 14 percent.

43. Several domestic manufacturers are marketing as "Pastine Glutinata" (glutenous paste) products which are ordinary macaroni products made from semolina. This practice is deceptive and contrary to consumer interests (see finding 45).

44. One manufacturer formerly made a product containing about 20 percent protein from a mixture of the usual wheat ingredients and gluten or gluten flour, but discontinued it during the first world war. One Italian firm with fac-

tories in Italy and France intends to manufacture such products in this country. One manufacturer makes a product called gluten macaroni from gluten flour complying with the advisory standard under the Food and Drugs Act of 1906, which provided that gluten flour should contain not more than 10 percent moisture and, on a moisture-free basis, not less than 7.1 percent nitrogen (40.47 percent protein) and not more than 44 percent of starch.

45. Consumers purchase macaroni products labeled as "glutenous" or with similar expressions because they expect a high protein content in such products and a substantial reduction in starch. The addition of only enough gluten or gluten flour to raise the normal protein content of 12 or 14 percent to 18 percent, with the corresponding small reduction in starch content, is not calculated to fulfill such expectations. The record points to the possibility that gluten flour alone should be used in making products so labeled. The record contains insufficient evidence to determine what the composition of such products should be, particularly as to protein content.

46. Considerable testimony was offered concerning the enrichment of macaroni products and noodle products with various vitamins and minerals, particularly those used in enriched flour (6 F.R. 2579) and proposed for use in enriched bread (6 F.R. 2772), namely, thiamin, niacin, riboflavin, iron, vitamin D, and calcium. One manufacturer has used vitamin D in macaroni and spaghetti for over two years. Although not in use at the time of the hearing in macaroni and noodle products processed wheat germ was proposed as an ingredient because of its content of thiamin, niacin, and riboflavin, the minerals iron, phosphorus, and copper and other constituents. One manufacturer has added 3 percent dried brewers' yeast and made claims for vitamins B_1 (thiamin), D and G (riboflavin) in his product. The use of carotene or provitamin A was also proposed.

47. Most alimentary pastes are usually cooked by boiling them in relatively large quantities of water, which is drained off and discarded. Thiamin, niacin, and riboflavin are water soluble. When such pastes are enriched with these vitamins in quantities similar to those required in enriched flour, cooking losses of thiamin and niacin are generally somewhat more than half, and of riboflavin nearly half. When nutritive minerals are added the extent of their loss depends on their solubility. Some alimentary pastes, particularly noodles, are used in making soups and when these foods are so cooked water-soluble vitamins and other water-soluble constituents are not discarded. But the quantity of alimentary pastes so used is not consequential when compared to the diet as a whole.

48. Alimentary pastes are not effective vehicles for the distribution of water-soluble nutrients to any segment of the population. The addition of water-soluble nutrients to alimentary paste is likely to mislead consumers either as to the quantity of nutrients they would obtain in the cooked product or as to the uneconomic waste inherent in the addition of such nutrients to alimentary paste. The addition of processed wheat germ or of yeast to alimentary paste would be calculated to mislead consumers since such germ and yeast are both sources of such water-soluble vitamins.

49. There is no evidence of a widespread deficiency of vitamin D among adults. Such deficiency as exists is almost, if not entirely, confined to children not over twelve years of age. The evidence does not establish that alimentary paste forms a larger proportion of the diet of such children than of adults.

50. The addition of carotene to alimentary paste is calculated to deceive consumers because it imparts to the finished product a coloring resembling that of egg (see finding 27).

51. Unless the enrichment of foods is restricted by regulations, food manufacturers generally are likely to add one or more vitamins or minerals to most if not all of their products and to label and advertise the products as having enhanced nutritional value. The selection of vitamins and minerals for this purpose and the quantities used are likely to be dictated by commercial considerations, such as a desire to capitalize on the fact that the public generally is not informed as to the specific functions of the various vitamins and minerals. Advertising and labeling claims for a food which stress the presence of any one of these nutritional elements, even though such claims are literally true, may readily cause the public to attach an exaggerated importance to that element. If enrichment is not restricted the public cannot discriminate between enriched foods which are meritorious and those which are not. Claims of enhanced nutritional value for a multiplicity of indiscriminately enriched foods would tend to envelop the minds of consumers in fog with respect to their nutritional needs and would create misunderstandings difficult to dispel.

52. The annual per capita consumption of alimentary pastes is about 5 pounds. Among persons of Italian extraction, and perhaps some other groups, consumption usually exceeds this average but so far as the evidence shows is quite variable. There is no evidence that these groups are peculiarly susceptible to dietary deficiencies.

53. Water-soluble nutrients are not suitable for addition to alimentary pastes (see finding 48). The evidence does not establish that the addition of the other vitamins and minerals proposed would constitute any material contribution toward the correction of dietary deficiencies in any significant segment of the population; and labeling and advertising claims based on such additions would be likely to confuse and mislead consumers (see finding 51).

Conclusions. On the basis of the foregoing findings of fact it is concluded that:

(a) It is impracticable, and the evidence does not establish a basis for a determination that it would promote honesty and fair dealing in the interest of consumers, to prescribe definitions and standards of identity for the various macaroni products, other than macaroni, spaghetti, and vermicelli, under the specific names by which they are sometimes known (as distinguished from the generic name macaroni products). This conclusion applies also to the corresponding shapes and sizes of milk macaroni products, whole wheat macaroni products, wheat and soy macaroni products, and vegetable macaroni products.

(b) It is impracticable, and the evidence does not establish a basis for a determination that it would promote honesty and fair dealing in the interest of consumers, to prescribe definitions and standards of identity for the various noodle products other than noodles, egg macaroni, egg spaghetti, and egg vermicelli, under the specific names by which they are sometimes known (as distinguished from the generic name noodle products). This conclusion applies also to the corresponding shapes and sizes of wheat and soy noodle products and vegetable noodle products.

(c) It would not promote honesty and fair dealing in the interest of consumers to prescribe definitions and standards of identity for wheat and soy macaroni products and wheat and soy noodle products under names which fail to indicate the presence of the wheat ingredient, or to fix a minimum soy flour content for such products at less than 12.5 percent by weight of the combined wheat and soy ingredients.

(d) It would not promote honesty and fair dealing in the interest of consumers to prescribe definitions and standards of identity for "gluten" or "glutenous" macaroni products providing for a minimum protein content as low as 18 percent. The evidence does not establish a basis for a determination as to what provisions should be included in definitions and standards of identity for such products, which would promote honesty and fair dealing in the interest of consumers.

(e) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any alimentary past providing for the use of any added vitamin or mineral or any combination of two or more of these.

(f) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any alimentary paste providing for the use of processed wheat germ, carotene, or yeast, or for any noodle product providing for the use of lecithin. The evidence does not establish a basis for a determination that it would promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any macaroni product providing for the use of lecithin.

(g) It would not promote honesty and fair dealing in the interest of consumers to prescribe definitions and standards of identity for milk macaroni products pro-

viding for the use of milk or milk products, other than liquid milk, in such quantity that the finished milk macaroni product contains less than 3.8 percent by weight of milk solids; nor would it promote honesty and fair dealing in the interest of consumers to provide for the use of milk or of any milk product as an ingredient of any macaroni product.

(h) It would not promote honesty and fair dealing in the interest of consumers to prescribe definitions and standards of identity for any alimentary paste providing for the use of egg solids or egg yolk solids in a quantity less than 5.5 percent by weight, on a moisture-free basis, of the finished alimentary paste.

(i) Promulgation of each of the following regulations, fixing and establishing definitions and standards of identity for various alimentary pastes, will promote honesty and fair dealing in the interest of consumers, and such regulations are hereby promulgated:

Sec.

16.1 Macaroni products; identity; label statement of optional ingredients.
16.2 Milk macaroni products; identity; label statement of optional ingredients.
16.3 Whole wheat macaroni products; identity; label statement of optional ingredients.
16.4 Wheat and soy macaroni products; identity; label statement of optional ingredients.
16.5 Vegetable macaroni products; identity; label statement of optional ingredients.
16.6 Noodle products; identity; label statement of optional ingredients.
16.7 Wheat and soy noodle products; identity; label statement of optional ingredients.
16.8 Vegetable noodle products; identity; label statement of optional ingredients.

AUTHORITY: §§ 16.1 to 16.8, inclusive, issued under secs. 401, 701; 52 Stat. 1046, 1055; 21 U.S.C. 341, 371; Reorganization Act of 1939 (53 Stat. 561 ff; 5 U.S.C. 133–133v); and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234).

§ 16.1 *Macaroni products; identity; label statement of optional ingredients.* (a) Macaroni products are the class of food each of which is prepared by drying formed units of dough made from semolina, durum flour, farina, flour, or any combination of two or more of these, with water and with or without one or more of the optional ingredients specified in subparagraphs (1) to (4), inclusive:

(1) Egg white, frozen egg white, dried egg white, or any two or all of these, in such quantity that the solids thereof is not less than 0.5 percent and not more than 2.0 percent of the weight of the finished food.

(2) Disodium phosphate, in a quantity not less than 0.5 percent and not more than 1.0 percent of the weight of the finished food.

(3) Onions, celery, garlic, bay leaf, or any two or more of these, in a quantity which seasons the food.

(4) Salt, in a quantity which seasons the food.

The finished macaroni product contains not less than 87 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940, page 235, under "Vacuum Oven Method—Official."

(b) Macaroni is the macaroni product the units of which are tube-shaped and more than 0.11 inch but not more than 0.27 inch in diameter.

(c) Spaghetti is the macaroni product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

(d) Vermicelli is the macaroni product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter.

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Macaroni Product;" or alternately, the name is "Macaroni," "Spaghetti," or "Vermicelli," as the case may be, when the units of the food are of the shapes and sizes specified in paragraph (b), (c), or (d), respectively, of this section.

(f) (1) When disodium phosphate is used the label shall bear the statement "Disodium phosphate added for quick cooking."

(2) When any ingredient specified in paragraph (a) (3) of this section is used the label shall bear the statement "Seasoned with ------," the blank being filled in with the common name of the ingredient; or in the case of bay leaves the statement "Spiced," "Spice added," or "Spiced with bay leaves."

(3) Wherever the name of the food appears on such label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name without intervening written, printed, or other graphic matter.

§ 16.2 *Milk macaroni products; identity; label statement of optional ingredients.* (a) Milk macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Milk is used as the sole moistening ingredient in preparing the dough; or in lieu of milk one or more of the milk ingredients specified in paragraph (f) of this section is used, with or without water, in such quantity that the weight of milk solids therein is not less than 3.8 percent of the weight of the finished milk macaroni products; and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used.

(b) Milk macaroni is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Milk spaghetti is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Milk vermicelli is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Milk Macaroni Product"; or alternately, the name is "Milk Macaroni," "Milk Spaghetti," or "Milk Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), or (d), respectively, of this section.

(f) The milk ingredients referred to in paragraph (a) (1) of this section are concentrated milk, evaporated milk, dried milk, and a mixture of butter with skim milk, concentrated skim milk, evaporated skim milk, defatted milk solids (dried skim milk), or any two or more of these, in such proportion that the weight of nonfat milk solids in such mixture is not more than 2.275 times the weight of milk fat therein.

§ 16.3 *Whole wheat macaroni products; identity; label statement of optional ingredients.* (a) Whole wheat macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Whole wheat flour or whole durum wheat flour or both are used as the sole wheat ingredient; and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used.

(b) Whole wheat macaroni is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Whole wheat spaghetti is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Whole wheat vermicelli is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (c).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Whole Wheat Macaroni Product;" or alternately, the name is "Whole Wheat Macaroni," "Whole Wheat Spaghetti," or "Whole Wheat Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), or (d), respectively, of this section.

§ 16.4 *Wheat and soy macaroni products; identity; label statement of optional ingredients.* (a) Wheat and soy macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for

macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Soy flour is added in a quantity not less than 12.5 percent of the combined weight of the wheat and soy ingredients used (the soy flour used is made from heat-processed, dehulled soybeans, with or without the removal of fat therefrom); and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used.

(b) Wheat and soy macaroni is the wheat and soy macaroni products the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Wheat and soy spaghetti is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Wheat and soy vermicelli is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Wheat and Soy Macaroni Product," "Wheat and Soybean Macaroni Product," "——— and Soy Macaroni Product," or "——— and Soybean Macaroni Product," the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.1 (a); or alternately, the name is "Wheat and Soy Macaroni," "Wheat and Soybean Macaroni," "——— and Soy Macaroni," or "——— and Soybean Macaroni" when the units of the food comply with the requirements of paragraph (b) of this section; or "Wheat and Soy Spaghetti," "Wheat and Soybean Spaghetti," "——— and Soy Spaghetti," or "——— and Soybean Spaghetti" when such units comply with the requirements of paragraph (c) of this section; or "Wheat and Soy Vermicelli," "Wheat and Soybean Vermicelli," "——— and Soy Vermicelli," or "——— and Soybean Vermicelli" when such units comply with the requirements of paragraph (d) of this section, the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.1 (a).

§ 16.5 *Vegetable macaroni products; identity; label statement of optional ingredients.* (a) Vegetable macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Tomato (of any red variety), artichoke, beet, carrot, parsley, or spinach is added in such quantity that the solids thereof is not less than 3 percent by weight of the finished vegetable macaroni product (the vegetable used may be fresh, canned, dried, or in the form of puree or paste); and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used.

(b) Vegetable macaroni is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Vegetable spaghetti is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Vegetable vermicelli is the vegetable macaroni products the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "_____ Macaroni Product," the blank being filled in with the name whereby the vegetable used is designated in paragraph (a) of this section; or alternately, the name is "_____ Macaroni," "_____ Spaghetti," or "_____ Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), or (d), respectively, the blank in each instance being filled in with the name whereby the vegetable used is designated in paragraph (a) of this section.

§ 16.6 *Noodle products, identity; label statement of optional ingredients.* (a) Noodle products are the class of food each of which is prepared by drying formed units of dough made from semolina, durum flour, farina, flour, or any combination of two or more of these, with liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks, or any combination of two or more of these, with or without water and with or without one or more of the optional ingredients specified in subparagraphs (1) and (2):

(1) Onions, celery, garlic, bay leaf, or any two or more of these, in a quantity which seasons the food.

(2) Salt, in a quantity which seasons the food.

The finished noodle product contains not less than 87 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940, page 235, under "Vacuum Oven Method—Official." The total solids of noodle products contains not less than 5.5 percent by weight of the solids of egg or egg yolk.

(b) Noodles, egg noodles, is the noodle product the units of which are ribbon-shaped.

(c) Egg macaroni is the noodle product the units of which are tube-shaped and more than 0.11 inch but not more than 0.27 inch in diameter.

(d) Egg spaghetti is the noodle product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

(e) Egg vermicelli is the noodle product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter.

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Noodle Product" or "Egg Noodle Product"; or alternately, the name is "Noodles" or "Egg Noodles," "Egg Macaroni," "Egg Spaghetti," or "Egg Vermicelli," as the case may be, when the units of the food are of the shapes and sizes specified in paragraph (b), (c), (d), or (e), respectively, of this section.

(g) When any ingredient specified in paragraph (a) (1) of this section is used the label of the noodle product shall bear the statement "Seasoned with ———," the blank being filled in with the common name of the ingredient; or in the case of bay leaves the statement "Spiced," "Spice added," or "Spiced with bay leaves." Wherever the name of the food appears on such label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein prescribed showing the ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name without intervening written, printed, or other graphic matter.

§ 16.7 *Wheat and soy noodle products; identity; label statement of optional ingredients.* (a) Wheat and soy noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that soy flour is added in a quantity not less than 12.5 percent of the combined weight of the wheat and soy ingredients used (the soy flour used is made from heat-processed, dehulled soybeans, with or without the removal of fat therefrom).

(b) Wheat and soy noodles, wheat and soy egg noodles, is the wheat and soy noodle product units of which are ribbon-shaped.

(c) Wheat and soy egg macaroni is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni by § 16.6 (c).

(d) Wheat and soy egg spaghetti is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti by § 16.6 (d).

(e) Wheat and soy egg vermicelli is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli by § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Wheat and Soy Noodle Product," "Wheat and Soy Egg Noodle Product," "Wheat and Soybean Noodle Product," "Wheat and Soybean Egg Noodle Product," "——— and Soy Noodle Product," "——— and Soy Egg Noodle Product," "——— and Soybean Noodle Product," or "——— and Soybean Egg Noodle Product," the blank

in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.6 (a); or alternately, the name is "Wheat and Soy Noodles," "Wheat and Soy Egg Noodles," "Wheat and Soybean Noodles," "Wheat and Soybean Egg Noodles," "——— and Soy Noodles," "——— and Soy Egg Noodles," "——— and Soybean Noodles," or "——— and Soybean Egg Noodles" when the units of the food comply with the requirements of paragraph (b) of this section; or "Wheat and Soy Egg Macaroni," "Wheat and Soybean Egg Macaroni," "——— and Soy Egg Macaroni," or "——— and Soybean Egg Macaroni" when such units comply with the requirements of paragraph (c) of this section; or "Wheat and Soy Egg Spaghetti," "Wheat and Soybean Egg Spaghetti," "——— and Soy Egg Spaghetti," or "——— and Soybean Egg Spaghetti" when such units comply with the requirements of paragraph (d) of this section; or "Wheat and Soy Egg Vermicelli," "Wheat and Soybean Egg Vermicelli," "——— and Soy Egg Vermicelli," or "——— and Soybean Egg Vermicelli," when such units comply with the requirements of paragraph (e) of this section, the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.6 (a).

§ 16.8 *Vegetable noodle products; identity; label statement of optional ingredients.* (a) Vegetable noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that tomato (of any red variety), artichoke, beet, carrot, parsley, or spinach is added in such quantity that the solids thereof is not less than 3 percent by weight of the finished vegetable noodle product (the vegetable used may be fresh, canned, dried, or in the form of puree or paste).

(b) Vegetable noodles, vegetable egg noodles, is the vegetable noodle product the units of which are ribbon-shaped.

(c) Vegetable egg macaroni is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni by § 16.6 (c).

(d) Vegetable egg spaghetti is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti by § 16.6 (d).

(e) Vegetable egg vermicelli is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli by § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "——— Noodle Product" or "——— Egg Noodle Product," the blank being filled in with the name whereby the vegetable used is designated in paragraph (a) of this section; or alternately, the name is "——— Noodles" or "——— Egg Noodles," "——— Egg Macaroni," "——— Egg Spaghetti," or "——— Egg Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), (d), or (e), respectively, the blank in each instance being filled in with the name whereby the vegetable is designated in paragraph (a) of this section.

Effective date. The regulations hereby promulgated shall become effective on the ninetieth day following the date of publication of this order in the FEDERAL REGISTER.

Dated: December 21, 1944.

[SEAL] WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 44-19329; Filed, Dec. 22, 1944; 11:18 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency

[NHA Reg. 60-4C]

PART 704—PRIVATE WAR HOUSING

DELEGATION OF AUTHORITY TO CREDITORS AND LENDERS TO EXCEPT REMODELING AND REHABILITATION CREDITS FROM THE PROVISIONS OF REGULATION W

Supersedes NHA Regulation (G.O.) 60-4B (8 F.R. 15312).

Sec.
704.1 General.
704.2 Purposes of this regulation.
704.3 Housing construction designated "defense housing" under section 8 (e) of Regulation W.
704.4 Delegation of authority pursuant to the authority vested in the Administrator of the National Housing Agency by section 8 (e) of Regulation W.
704.5 Effective date of this regulation.

AUTHORITY: §§ 704.1 to 704.5, inclusive, issued under 55 Stat. 838; E.O. 9070, 3 CFR, Cum. Supp.; 40 Stat. 415, as amended; E.O. 8843, 3 CFR, Cum. Supp.; 12 CFR, Cum. Supp., 222.8 (e).

§ 704.1 *General.* (a) Regulation W, as amended, issued by the Board of Governors of the Federal Reserve System applies to a comprehensive list of durable and semi-durable goods for civilian consumption and extends to all types of consumer credit, whether in the form of installment sales and installment loans or in the form of charge accounts and single-payment loans. Section 8 (e) of said Regulation W excepts from the credit restrictions imposed any extension of credit to remodel or rehabilitate any structure which the Administrator of the National Housing Agency, or his authorized agent, shall designate as being for "defense housing" as defined by the Administrator.

§ 704.2 *Purposes of this regulation.* (a) The purposes of this Regulation 60-4C are:

(1) To supersede NHA Regulation 60-4B (approved October 25, 1943, and effective November 15, 1943), as hereinafter provided;

(2) To prescribe and designate the types of housing construction which may be excepted from said Regulation W as "defense housing"; and

(3) To delegate authority to any creditor or lender (who is qualified as a "registrant" in accordance with the provisions of Regulation W) to designate any project for the remodeling or rehabilitation of existing structures as "defense housing" in accordance with the provisions of this Regulation 60-4C.

§ 704.3 *Housing construction designated "defense housing" under section 8 (e) of Regulation W.* (a) Housing construction is hereby designated "defense housing" under section 8 (e) of said Regulation W and is excepted from the credit restrictions imposed by said Regulation W, if:

(1) Authorization for the proposed construction has been received from the National Housing Agency and the approved copy of the priorities application Form WPB-2896 bears the statement "NHA Regulation No. 60-40 applies to this priority"; or

(2) The proposed construction is in a war housing area and will provide additional dwelling accommodations or will help maintain the local housing supply by reconstruction, remodeling or conversion.

(b) Information concerning any war housing area and its boundaries may be obtained from the local office of the Federal Housing Administration. "War housing area", as used in this section, shall mean any area in which a private war housing quota has been established by the National Housing Agency, any area in which publicly-financed war housing has been programmed, any area in which the National Housing Agency has determined that the lack of housing is causing undue stress in living conditions, or any area or locality in which the President has found, pursuant to the National Housing Act, that an acute shortage of housing exists or impends which would impede national war activities.

§ 704.4 *Delegation of authority pursuant to the authority vested in the Administrator of the National Housing Agency by section 8 (e) of Regulation W.* (a) There is hereby delegated to any creditor or lender who is qualified as a "registrant" in accordance with the pro-

visions of Regulation W authority to designate as "defense housing" any construction conforming to the foregoing requirements: *Provided, however,* That in all cases an applicant shall execute and submit in a manner satisfactory to the "registrant" two copies of Form NHA 60–5 (January 1, 1945 or subsequent revisions).

(b) Prior to the designation of any construction as "defense housing" in accordance with section 3 hereof, the registrant shall ascertain that Form NHA 60–5 has been properly executed and that, on the basis of the information contained therein, the construction clearly may be so designated under that section.

(c) The initial creditor (the registrant who extends credit directly in the first instance) shall retain the two executed copies of Form NHA 60–5 covering a project which is designated by such initial creditor as "defense housing" in accordance with this regulation and shall file and retain one of such copies for a period of at least two years from the date of the advance of credit and such copy shall be available to the National Housing Agency, or any other governmental agency interested in said transaction. If the debt is transferred to a secondary creditor (and to subsequent creditors), the other executed copy of said Form NHA 60–5 shall be furnished such secondary and subsequent creditors. The secondary and any subsequent creditor or creditors shall release his copy of Form NHA 60–5 to his transferees.

(d) In the absence of notice to the contrary, the secondary or any subsequent creditor is entitled to rely upon the determinations made by the initial creditor.

§ 704.5 *Effective date of this regulation.* (a) This regulation shall become effective January 1, 1945, *Provided however,* That Form NHA 60–5 (revision of August 8, 1944) properly completed and executed prior to the effective date of this regulation, may be processed in accordance with Regulation 60–4B.

JOHN B. BLANDFORD, Jr.,
Administrator.

[F. R. Doc. 44–19322; Filed, Dec. 22, 1944; 9:42 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

PART 602—GENERAL ORDERS AND DIRECTIVES

DIRECTION TO SHIPPERS AND CONSUMERS OF COAL MOVING FROM TIDEWATER DOCKS

Because of the shortage of coal on New England tidewater docks resulting from supply and transportation difficulties, it is deemed necessary to issue the following notice of direction, pursuant to SFAW Regulation No. 1:

1. No person shipping bituminous coal which will move, or has moved from a tidewater dock located in the States of Maine, New Hampshire, Massachusetts, Rhode Island and Connecticut, shall deliver any such coal to a consumer (except a consumer using less than 50 tons of bituminous coal per year) if the consumer has on hand more than a 30 days' supply of bituminous coal.

2. No person shipping bituminous coal which will move, or has moved, from tidewater docks in the States of Maine, New Hampshire, Massachusetts, Rhode Island and Connecticut, shall deliver to any consumer having on hand less than a 30 days' supply of bituminous coal (except a consumer using less than 50 tons of coal per year) such coal in an amount which, when added to such consumer's stockpile, will exceed a 30 days' supply of bituminous coal.

3. No consumer (except a consumer using less than 50 tons of bituminous coal per year) shall receive any bituminous coal which will move, or has moved, from a tidewater dock located in the States of Maine, New Hampshire, Massachusetts, Rhode Island and Connecticut, if such consumer has on hand more than a 30 days' supply of bituminous coal.

4. No consumer having on hand less than a 30 days' supply of bituminous coal (except a consumer who uses less than 50 tons of coal per year) shall receive any such coal which will move, or has moved, from a tidewater dock located in the States of Maine, New Hampshire, Massachusetts, Rhode Island and Connecticut, in an amount which, when added to his stockpile, will exceed a 30 days' supply of bituminous coal.

5. Shippers and consumers subject to the above paragraphs may arrange for the delivery of ex-tidewater dock coal to consumers having more than a 30 days' supply when necessary to take care of emergency situations: *Provided, however,* That the shipper of the coal shall submit, within five days of delivery of the coal, to the Solid Fuels Administration for War, Washington 25, D. C., a statement containing the names of the shippers and consumers, a full description of the tonnage delivered and the reasons for such excess delivery.

6. The provisions of this direction shall not excuse compliance with applicable provisions of SFAW Revised Regulation No. 21 and SFAW Regulation No. 23.

This direction shall become effective immediately and shall remain in effect until further notice.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 235 and 56 Stat. 176)

Issued this 21st day of December 1944.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 44–19328; Filed, Dec. 22, 1944; 11:12 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 271]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS; FODDERS, GRAINS AND SEEDS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "General License Group" the group and country designations assigned to the commodities listed below, at every place where said commodities appear in said section, is hereby amended to read as follows:

Commodity and Department of Commerce No.	*General license group*
Fodders and Feeds:	
Wheat feeds, bran, riddlings, etc., 1190.00:	
Cracked or crushed wheat for feed, 1190.00	K
Other wheat feeds, n. e. s., 1190.00	None
Oyster shells, 1182.00	K
Grains and Preparations:	
Corn (bu. 56 lbs.) (include seed and popcorn) (report popped corn in 1099.00), 1031.00	K
Seeds, except oilseeds:	
Field and garden seeds:	
Carrot seeds, 2468.50	K
Flower seeds, 2467.00	K
Timothy seed, 2406.00	K
Other grass and field seeds:	
Bird seed, 2419.00	K
Bromegrass seed, 2419.00	K
Ensilage corn seed, 2419.00	K
Lespedeza, Korean, seed, 2419.00	K
Sorghum seed, 2419.00	K
Wheatgrass, crested, seed, 2419.00	K
All other grass & field seeds, n. e. s., 2419.00	None
Other vegetable seeds (including mushroom spawn and tree seeds) (report seed beans in 1201.50, seed peas in 1202.50, seed potatoes in 1211.60 and seed grain in specific grain classes), 2468.90	K

This amendment shall be effective immediately upon publication.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238; 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361; 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: December 19, 1944.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 44–19320; Filed, Dec. 22, 1944; 9:47 a. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 3133—PRINTING & PUBLISHING

[Limitation Order L–240, Direction 4, as Amended Dec. 22, 1944]

NEWSPAPERS: SERVICEMEN'S EDITIONS

Direction No. 4 to Order L–240 is hereby amended to read as follows:

"Servicemen's", "overseas", "pony", or other condensed editions of newspapers which are distributed without charge to United States Armed Forces personnel may be produced from a commercial printer's quota under Order L–241, without regard to paragraph (c) of Schedule II to Order L–241, provided the newspaper publisher makes no charge to a commercial sponsor or any other person for advertising space, for the editorial material appearing in the edition or for any other service connected with it. However, the newspaper publisher may charge a sponsor for the cost of printing if the newspaper publisher operates a commercial printing establishment and deducts the paper from his commercial printing quota under Order L–241.

A newspaper publisher may produce such an edition out of his own consumption quota under Order L–240 if he wishes to.

Issued this 22d day of December 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–19337; Filed, Dec. 22, 1944; 11:28 a. m.]

PART 3270—CONTAINERS

[Supplementary Order L–103–b, as Amended Dec. 22, 1944]

NEW GLASS CONTAINERS AND TINPLATE CLOSURES

Section 3270.36 *Supplementary Order L–103–b* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of new glass containers and of materials entering into the manufacture of new tinplate closures for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3270.36 *Supplementary Order L–103–b*—(a) *What this order does.* This order lists the only products which may be commercially packed in new machine-made glass containers and the number of such containers which may be used during any calendar year to pack such listed products. This order also specifies maximum tin coatings for new tinplate closures to commercially pack certain products. Used containers or closures are not restricted. This order does not restrict the use of closures made of any material other than tinplate. The manufacture of home canning closures with a tinplate coating in excess of .50 lb. per base box is prohibited.

(b) *Definitions.* Wherever used in this order: (1) "Glass container" means any empty new machine-made bottle, jar or tumbler, with a capacity of 140 fluid ounces or less, which is made of glass and which is suitable for packing any product. It shall not include ampoules or vials made from glass tubing.

(2) "Tinplate closures" means any new sealing or covering device made in whole or in part of tinplate and affixed or to be affixed to a glass container for the purpose of retaining the contents within the container. The term shall not include bulbs or droppers for medicinal bottles.

(3) "Tinplate" means sheet steel coated with tin, and includes, "primes", "seconds", and all other forms of tinplate except waste and waste-waste.

(4) "Waste" means scrap tinplate, including strips and circles produced in the ordinary course of manufacturing tinplate or tinplate closures.

(5) "Waste-waste" means hot dipped or electrolytic tin coated steel sheets which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(6) "Packer" means any person who uses glass containers or tinplate closures for commercially packing any product in any of the forty-eight states of the United States or the District of Columbia.

(c) *General restrictions on sale and delivery.* (1) No person shall sell or deliver any glass containers or tinplate closures which he knows or has reason to believe will be accepted or used in violation of any provision of this order.

(d) *Certificate.* No person (including a jobber) shall sell or deliver to a packer (except a retail pharmacist) any glass containers (except returnable glass containers for dairy products) or tinplate closures unless he has received from such packer a certificate signed manually or as provided in Priorities Regulation 7.

This certificate shall be in substantially the following form and, once filed by such packer with a supplier, covers all future deliveries from the supplier to such packer:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order L–103–b of the War Production Board, and that all purchases from you of items regulated by that order, and the use of the same by the undersigned, will be in compliance with the order.

Certificates in substantially the above form previously filed by a packer under any previous amendment of this order shall remain valid. Certificates in substantially the above form previously filed by a packer under Order M–104 shall remain valid in so far as closure deliveries are concerned. The standard certification provided for in paragraph (d) of Priorities Regulation 7, cannot be used in place of the certifications provided by this order; nor may the certificate provided by this order be waived in accordance with paragraph (f) of Priorities Regulation 7.

Glass Containers

(e) *Quota limitations on glass containers to pack only listed products.* (1) No packer may accept or use glass containers for any purpose other than for packing one or more of the thirteen classes of products listed in Schedule A below in accordance with the calendar year packing quotas set forth in that schedule for each of such classes. The quotas set opposite each of the thirteen classes are not interchangeable. The word "unlimited", as used in the Schedule, means that a packer (including a packer who has just begun business) may use any number of glass containers to pack the applicable class of products. The designation "1944 quota" means that, during any calendar year, a packer may accept or use at any plant or plants for packing the applicable class of products a quantity of glass containers not in excess of the quantity of glass containers (excluding quota exempt transactions) he was legally permitted under this order, as amended September 28, 1944 to accept or use during the calendar year 1944 at any such plant or plants for packing the applicable class of products (including the quantity of additional glass containers granted pursuant to appeal which he was legally permitted to accept or use in the calendar year 1944 to pack such products).

SCHEDULE A

Product	*Calendar year class quota*
1. Food products (only if packed for human consumption), other than items 10, 11, 12 and 13	Unlimited
2. Drug and health supply products, other than cosmetic and toiletry products	Unlimited
3. Chemical products, other than cosmetic and toiletry products	Unlimited
4. Cosmetic and toiletry products, including but not limited to, face creams, hand creams, vanishing creams, cream rouge, deodorants, antiperspirants, shampoos, hair tonics, hair dyes, wave solutions, hair rinses, after shave lotions, liquid soaps, perfumes, toilet waters, face and hand preparations, lotions, fingernail preparations, hand soaps and shaving cream	1944 Quota
5. Artist supplies	1944 Quota
6. Candle tumblers	Unlimited
7. Lighter fluids	1944 Quota
8. Oils, lubricating and machine	1944 Quota
9. Tobacco and snuff, not including cigars and cigarettes	1944 Quota
10. Malt beverages, including only beer, ale, porter, near beer and mixtures thereof	1944 Quota
11. Non-alcoholic beverages, including only carbonated soft drinks, non-carbonated soft drinks, unflavored carbonated waters and unflavored naturally carbonated and still waters, drinks consisting of fruit juices, vegetable juices and combinations thereof, where less than 85% by weight of such drinks is pure fruit juice, vegetable juice, or a mixture thereof, and sterilized milk drinks made with powdered milk	1944 Quota
12. Wines	1944 Quota
13. Distilled spirits	1944 Quota

(f) *Small user exception.* The provisions of paragraph (e) shall not apply to any packer during any calendar year in which he neither accepts nor uses more than a total of $5,000.00 worth (cost price to him) of glass containers to pack all products (listed and unlisted). A packer who accepts glass containers under the provisions of this paragraph must use them in his own plant and may not deliver them for packing by anyone else. All packers owned or controlled directly or indirectly by the same person shall be deemed to be a single packer for the purpose of this paragraph.

(g) *"New product" exception.* In addition to those glass containers for which a packer has a quota under this order to pack certain classes of products, a packer (other than a packer operating as a small user under paragraph (f) above) may accept and use in each of his plants a maximum of $5,000.00 worth (cost price to him) of glass containers to pack all classes of products (listed or unlisted) for which he does not have a quota, provided that they are packed in the plant in which they are received.

(h) *Extension of appeals for packing unlisted products.* Any packer who packed an unlisted product in glass containers in 1944 pursuant to an appeal may use an equal number of glass containers for packing the same product in 1945, unless individually notified to the contrary by the War Production Board.

Tinplate Closures

(i) *Tinplate closures with specific coatings to pack only listed products.* No packer may accept or use tinplate closures for any purpose other than for packing the three classes of products listed in Schedule "B" below and in accordance with the tinplate specifications set forth for each of the listed classes of products. Classes one and two listed below are limited to those which are intended and suitable for human consumption. The designation ".50" means that no tinplate closures having a tin coating in excess of .50 lb. per base box may be used to pack the applicable class of products. ".50" shall include "menders" arising in the production of such tinplate which have been hot dipped with a maximum tin coating of 1.25 lbs. per base box. The designation "1.50" means that no tinplate closures having a tin coating in excess of 1.50 lbs. per base box may be used to pack the applicable class of products.

SCHEDULE B

Product	*Tinplate*
1. All food products (excluding malt beverages and non-alcoholic beverages) if preserved in an hermetically sealed container made sterile by heat; and olives, pickles, relishes, sauces, vinegar, French dressing, flavoring extracts, spices, mustard, horseradish and cherries	1.50
2. Meat and fish and products made from them; ice cream mix; apple cider and juice; fruits (only crush, fountain fruit and ice cream toppings); soup mix; cheese spreads; spaghetti and macaroni products; corn beef hash; and sauerkraut	.50

SCHEDULE B—Continued

Product—Continued	*Tinplate*
8. Biologicals; blood plasma; drug chemicals; dental supplies; glycerites; liniments of ammonia; magmas; drug oils; ointments, penicillin; prescriptions; medicinal soaps; aromatic spirits of ammonia; ammonia products; aromatic chemicals; reagent chemicals; deoderants, liquid or paste (not for use on human body); dyes; germicides; hypochloride powders; phenols; photographic supplies; and all other liquid chemicals	.50

(j) *Manufacturing restrictions on home canning closures.* No person shall use any tinplate with a tin coating in excess of .50 lb. per base box for the manufacture of home canning closures.

(k) *Manufacturing reports.* All tinplate closure manufacturers shall file Form WPB–1317 in accordance with the instructions in that form. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. All persons affected by this order shall execute and file with the War Production Board such other forms and questionnaires as the Board shall from time to time request, subject to the approval of the Bureau of the Budget.

General Exceptions

(l) *Exports.* The provisions of this order do not apply to the sale or delivery of empty new glass containers or unused tinplate closures for shipment outside the forty-eight states of the United States and the District of Columbia.

(m) *Certain agencies and persons.* (1) Except for paragraphs (m) (2) and (m) (3) below, the provisions of this order do not apply to the purchase, acceptance of delivery, or use of glass containers or tinplate closures by any of the following agencies or persons or by any person for packing any product to be delivered to or for the account of any of the following agencies or persons: (i) Army, Navy, Veterans Administration, any agency procuring for delivery pursuant to the Act of Congress of May 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); United Seamen's Service, Inc.; U. S. Maritime Commission or War Shipping Administration (including persons operating vessels for such Commission or Administration for use thereon, and other persons who have been assigned a preference rating for glass containers or tinplate closures under Form WPB–646 (formerly PD–300); (ii) Any person for packing products for retail sale or distribution through post-exchanges, sales commissaries, officers' messes, servicemen's clubs, ship's service stores, provided same are located at Army or Navy Camps, are not operated for private profit, and are established primarily for the use of Army or Navy personnel within Army or Navy establishments or on Army or Navy vessels; (iii) American Red Cross, United Service Organizations, or such other non-profit Defense Recreation Committees engaged in the operation of recreation centers in the United States, its territories or island possessions, solely for military personnel, as are certified to be within the exemption provided by this paragraph (m) (3) by the Office of Community War Services under the Federal Security Agency.

(2) No packer may use quota free, multiple trip glass containers for delivery, in any of the forty-eight states of the United States or the District of Columbia, of malt beverages and non-alcoholic beverages to or for any of the agencies or persons listed in paragraph (m) (1) above in excess of fifteen per cent of the number of multiple trip glass containers used for such sales during each calendar year.

(3) No packer may use tinplate closures for deliveries of malt beverages and non-alcoholic beverages to any of the agencies and persons listed in paragraph (m) (1) above where such deliveries are within any of the forty-eight states of the United States or the District of Columbia.

Miscellaneous

(n) *Appeals.* Appeals from this order shall be filed by addressing a letter to the Containers Division, War Production Board, Washington 25, D. C., Ref: L–103–b. The letter of appeal need not follow any particular form. It should state informally, but completely, the particular provision appealed from, the precise relief desired, the reasons why denial of the appeal would result in undue and excessive hardship, and such other statistical and narrative information as may be pertinent.

(o) *Communications.* All communications concerning this order shall be addressed to: Containers Division, War Production Board, Washington 25, D. C. Ref: L–103–b.

(p) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(q) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(r) *Effective date of this order.* This order as amended December 22, 1944, shall take effect on January 1, 1945. Until that date, the edition of this order issued on September 28, 1944, shall remain in effect.

Issued this 22d day of December 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–19336; Filed, Dec. 22, 1944; 11:28 a. m.]

PART 3290—TEXTILES, CLOTHING AND LEATHER

[Limitation Order L–99, Direction 3]

SPECIFICATIONS ON TOWELING AND TOWELS

The following direction is issued pursuant to Limitation Order L–99:

(a) Regardless of any rated order heretofore or hereafter placed, no manufacturer shall manufacture:

(1) Any turkish or terry woven toweling containing more than 32 picks per inch on the loom, borders excepted; or

(2) Any turkish or terry woven towels longer than 40 inches finished bath size or 26 inches finished guest size, or having a weight in excess of 5.45 pounds per dozen in 20" x 40" size or proportionate weights in other sizes (with 5% plus tolerance), or having a hem more than ⅜ inch in width.

(b) Only towels 36 inches in length or over shall, for the purposes of this direction, be considered bath size.

(c) This direction does not apply to turkish or terry woven toweling made on Jacquard looms or towels made from such toweling.

(d) This direction shall become effective with regard to toweling manufactured on plain looms, and towels made from such toweling, on and after January 22, 1945, and with regard to toweling manufactured on dobby looms, and towels made from such toweling, on and after February 6, 1945.

Issued this 22d day of December 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–19335; Filed, Dec. 22, 1944; 11:28 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M–300, Schedule 78]

CARBON TETRACHLORIDE

§ 3293.1078 *Schedule 78 to General Allocation Order M–300*—(a) *Definitions.* For the purpose of this schedule:

(1) "Carbon tetrachloride", sometimes known as tetrachloromethane, means the chemical CCl_4.

(2) "Drum" means a container with a capacity of approximately 52 gallons (700 pounds of carbon tetrachloride).

(b) *General provisions.* Carbon tetrachloride is subject to the provisions of General Allocation Order M–300 as an Appendix B material. The initial allocation date is February 1, 1944, when carbon tetrachloride first became subject to allocation under Order M–363 (revoked). The allocation period is the calendar month. The small order exemption without use certificate per person per month is any less-drum quantity totaling less than 700 pounds.

(c) *Transition from M–363.* Regular and interim allocations heretofore issued under Order M–363 are effective under this schedule, but are limited in duration as if originally issued under this schedule. Pending applications need not be refiled.

(d) *Suppliers' applications on WPB–2947.* Each supplier seeking authorization to use or deliver shall file application on Form WPB–2947 (formerly PD–602). File separate sets of forms for dry cleaning requests in accordance with paragraph (f) of this schedule. Filing date is the 15th day of the month before the proposed delivery month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M–300–78. The unit of measure is pounds. Leave grade space blank. Fill in Table I as follows: First, in Column 1 list customers ordering 7,000 pounds or more for delivery during the next month, in Column 1–a enter each use stated in the certificate filed by each customer, and in Column 4 specify quantity ordered by each customer for each use; second, specify in Column 1 "From 700–7,000 pound orders", without specifying customers' names, in Column 1-a group the end uses stated in the certificates filed with these orders, and in Column 4 specify the aggregate quantity order for each use; third, specify in Column 1 "less-drum orders" without specifying customers' names, in Column 1–a group the end uses for which the supplier believes the carbon tetrachloride is or will be ordered, and in Column 4 specify the aggregate quantity ordered or expected to be ordered for each use. Fill in the other columns as indicated. A supplier seeking authorization to use any part of his own stock of carbon tetrachloride shall list his requirements in the same way as for his customers. Fill in Table II.

(e) *Certified statements of use.* Each person placing orders for delivery of 700 pounds (one drum) or more of carbon tetrachloride per month in the aggregate from all suppliers, shall furnish each supplier with a certified statement of proposed use, in the form prescribed in Appendix D of Order M–300. Specify proposed use as follows:

(1) *Primary product.* Primary product should be specified as follows:

Degreasing compound.
Fire-extinguisher fluid.
Grain fumigant.
Fur fumigant.
Refrigerant (specify).
Hexachlorethane.
Dry cleaning fluid.
Spotting and cleaning fluid.
Drugs and pharmaceuticals (specify).
Other product (specify).

(2) *Product end use.* End use should be specified to indicate the disposition of each primary product, such as civilian, industrial (specify general use, such as munitions, auto servicing, etc.), food processing and laboratory use, and in the case of industrial uses specify percentage required for Army, Navy, Maritime Commission and Lend-Lease purposes, respectively. Where the product is to be delivered directly to the Armed Services, or for Export, or on Lend-Lease, specify "Armed Services", or "Export", or "Lend-Lease", as the end use, without further end use description except contract, specification or export license numbers.

(3) *Carbon tetrachloride requested for redelivery.* Proposed use may also be specified as "for resale on further authorization", "for resale on exempt orders of less than a drum", or "for export" (specify destination and export license number).

(f) *Suppliers' applications on WPB–2947 for commercial dry cleaning deliveries.* Each supplier seeking authorization to deliver carbon tetrachloride for commercial dry cleaning purposes shall file application on a separate set of WPB–2947 forms. Filing date is the 15th day of the month before the proposed delivery month. Send four copies (one certified) to the War Production Board, Service Trades Division, Washington 25, D. C., Ref: M–300–78 (commercial dry cleaning). On the upper right hand corner of the form write in "commercial dry cleaning delivery". The unit of measure is pounds. Leave grade space blank. In Table I list in Column 1 the name and address of each customer who has ordered a drum or more of carbon tetrachloride for delivery during the next month for commercial dry cleaning purposes. Fill in the rest of Table I as indicated and leave Table II blank.

(g) *Commercial dry cleaning one-time reports.* (1) Each commercial dry cleaner seeking delivery of a drum or more of carbon tetrachloride from any supplier during February 1945, shall file a one-time report not later than January 15, 1945, on Form WPB–4009 with the War Production Board, Service Trades Division, Washington 25, D. C. If the first month for which commercial dry cleaner seeks delivery of carbon tetrachloride is after January 1945, he shall file the one-time WPB–4009 report not later than 15 days prior to the requested delivery month.

(2) This report is necessary for the Service Trades Division to support its recommendation for allocation to the Chemicals Bureau.

(h) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(i) *Communications to War Production Board.* Communications concerning this schedule shall be addressed as follows:

(1) In the case of commercial dry cleaning communications, to the War Production Board, Service Trades Division, Washington 25, D. C., Ref: M–300–78 (commercial dry cleaning).

(2) In the case of all other communications, to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M–300–78.

Issued this 22d day of December 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–19338; Filed, Dec. 22, 1944; 11:28 a. m.]

PART 3293—CHEMICALS

[Allocation Order M–363, Revocation]

CARBON TETRACHLORIDE

Section 3293.571 *Allocation Order M–363* is hereby revoked. This revocation does not affect any liabilities incurred under the order.

Carbon tetrachloride is subject to allocation under General Allocation Order

M–300 as an Appendix B material, subject to Schedule 78 issued simultaneously with this revocation.

Regular and interim allocations heretofore issued under Order M–363 are effective under that schedule, but are limited in duration as if originally issued under that schedule. Pending applications need not be refiled.

Issued this 22d day of December 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–19339; Filed, Dec. 22, 1944; 11:28 a. m.]

PART 3302—SERVICE EQUIPMENT

[Limitation Order L–91, as Amended Dec. 22, 1944]

COMMERCIAL LAUNDRY EQUIPMENT, COMMERCIAL DRY CLEANING EQUIPMENT, AND TAILORS' PRESSING EQUIPMENT

§ 3302.16 *Limitation Order L–91.*

(a) *What this order does.* This order restricts the production and distribution of certain kinds of laundry equipment, dry cleaning equipment, and tailors' pressing equipment. This equipment is divided into two groups. The order restricts both production and distribution of the first group. Production of equipment in the second group is restricted, but distribution is not.

(b) *What equipment is in the first group.* The first group consists of the following kinds of laundry, dry cleaning and tailors' pressing equipment:

Blocking machines, garment
Boards, ironing
Boards, pressing
Boards, pressing, velvet and nap
Boards, shirt folding
Boards, steam
Boards, steam spotting
Cabinets, deodorizing, drying or sterilizing
Conveyors, bag (wet wash)
Conveyors, "go back"
Conveyors, shirt
Dry cleaning units, naphtha
Dry rooms, conveyor
Dryers, garment, hot air
Dryers, hosiery and sock
Dye machines
Extractors (including mechanical unloading)
Forms, collar
Forms, hosiery and sock
Forms, overall
Forms, sleeve
Forms, trouser
Filters, solvent, for drycleaning
Finishers, garment
Finishers, sleeve
Finishers, handkerchief
Folding machines, automatic
Ironers, collar
Ironers, flatwork
Ironers, handkerchief
Ironer attachments:
  Canopies
  Feeding devices
Irons, puff
Listing machines
Marking machines
Presses
Shakers, flatwork
Shapers, sleeve
Shapers, trouser
Spreaders, flatwork
Stackers, flatwork, automatic
Stackers, handkerchief, automatic
Starch cookers
Starching and extracting machines
Starching machines
Steamers, garment
Steamers, velvet
Stills, vacuum, for drycleaning
Stretchers, trouser
Tables, marking
Tumblers
Washers (except glove)

(c) *What equipment is in the second group.* The second group consists of the following kinds of laundry, dry cleaning, and tailors' pressing equipment:

Boards, spotting, except steam
Collar shapers
Collar tippers
Cuff cleaners
Dampeners, cloth
Dampeners, collar and seam
Dryers, blanket and curtain
Dryers, rug
Dryers, windwhip
Dry cleaning units, synthetic
Dry rooms, sectional
Dye kettles
Feather sanitizing machines
Fluting machines
Forms, glove
Fur cleaning equipment
Glazers, fur
Glove cleaning machines
Hangers, revolving shirt
Hatters' equipment
Holders, bag
Holders, net
Irons, rotary
Ironers, edger
Ironers, hat crown
Ironers, ruffle
Ironer attachments:
  String mark eliminators
Napping machines (carding machines for blanket finishing)
Rug cleaning machines (stationary)
Sand bags, hat
Seam cleaners
Shirt envelope machines
Sterilizers, feather
Stretchers, blanket and curtain
Stretchers, dress
Tables, steam
Tubs, scrub
Tubs, starch
Tubs, stationary laundry
Washers, glove

(d) *Production of both groups is restricted.* A person may produce the equipment listed in paragraph (b) and (c) only to the extent authorized by this order or by written instructions from the War Production Board.

(e) *Production is permitted for the U. S. Army, the U. S. Navy and the Veterans Administration.* A person may produce equipment if he builds it to fill a specific order of the Veterans Administration or according to United States Army or Navy specifications in order to fill a specific United States Army or Navy order. This includes orders placed by prime contractors or subcontractors of the Army or Navy for equipment which will eventually be delivered to the Army or Navy and will be installed under Army or Navy supervision.

(f) *Production of equipment in first group is permitted to fill approved orders.* A person may produce equipment listed in paragraph (b) to fill orders approved for delivery under paragraph (k), and in addition to maintain an inventory of new equipment listed in paragraph (b) worth up to 5 per cent of the total value of new equipment listed in paragraph (b) which he billed to his customers during the calendar years 1939, 1940 and 1941. His total billings during that period and the value of his current inventory are to be calculated at his established prices f. o. b. shipping point. Production of equipment listed in paragraph (b) which was specifically authorized by the War Production Board, through the granting of appeals or otherwise, before May 22, 1944, may take place after that date only to the extent permitted by this paragraph.

In approving orders, and in processing applications for priorities assistance on Form CMP–4B, the War Production Board will be guided by the policy that the total production of the entire industry must not exceed the approved War Production Board program for the equipment listed in paragraph (b), and that the production in any one plant, or labor requirements therefor, must not interfere with war production in that plant or in any other plant located in the same area.

(g) *Production of equipment in second group is permitted to fill certain kinds of approved orders.* A person may assemble equipment listed in paragraph (c) to fill a specific order approved for delivery under paragraph (k), by assembling the equipment from parts completely fabricated before July 1, 1942. He may not make any parts for this purpose. Also, a person may produce equipment listed in paragraph (c) to fill a specific order approved for delivery under paragraph (k) for any of the following persons:

(1) The armed forces and maritime agencies of any foreign government friendly to the United States.

(2) The United States Maritime Commission.

(3) The War Shipping Administration.

(4) Privately owned ordnance plants.

(h) *Production of repair parts is permitted.* A person may make parts to use or sell for repairing, rebuilding or maintaining equipment.

(i) *Delivery of new equipment in first group is restricted.* A person may deliver new equipment listed in paragraph (b) only in those cases specified in the following paragraphs. There is no restriction on the delivery of secondhand equipment, including rebuilt equipment listed in paragraph (b). The delivery of both new and secondhand equipment listed in paragraph (c) is unrestricted.

(j) *Delivery is permitted to the U. S. Army, the U. S. Navy and the Veterans Administration.* A person may deliver new equipment listed in paragraph (b) to the United States Army, the United States Navy, or the Veterans Administration. A person may also deliver this equipment to a prime contractor or subcontractor of the Army or Navy, if the equipment will eventually be delivered to the Army or Navy and will be installed under Army or Navy supervision.

(k) *Approved deliveries are permitted.* A person may deliver new equipment

listed in paragraph (b) to anyone whose order has been approved for delivery on Form WPB–924, issued before July 1, 1944, or a Form WPB–1319, or a Form GA–1456.

Form GA–1456 will be used to approve delivery to persons who request such approval when applying for authority to begin construction, and for priority assistance in obtaining materials for construction. Orders approved for delivery on Form GA–1456 should be accompanied by the following certification (in addition to the certification in Priorities Regulation 7):

Delivery approved on Form GA–1456.

Those who want to get their orders approved when construction is not involved should send an application to the War Production Board, Service Equipment Division, Washington 25, D. C.: Ref. L–91. Applications submitted before June 1, 1944, should be on Form WPB–924. Applications submitted after that date should be on Form WPB–1319. If the War Production Board approves an order for delivery on either of those forms, the approved form must be given to the person making the delivery before the equipment may be delivered. Moreover, if the form is not given to this person within thirty days after the date of official approval, the War Production Board's permission to deliver the equipment automatically expires.

(l) *Deliveries for resale are permitted.* A person may deliver new equipment listed in paragraph (b) to anyone who needs the equipment to fill an order or part of an order approved for delivery under paragraph (k). A person may also deliver this equipment to anyone who is acquiring the equipment only for resale within the United States (48 States and the District of Columbia). In the latter case the person delivering the equipment must continue to count it as part of his inventory under paragraph (f) until the equipment is redelivered to the United States Army, the United States Navy, the Veterans Administration, or a person whose order has been approved for delivery under paragraph (k).

(m) *Use of equipment by manufacturers or dealers is restricted.* No person who produces equipment for sale or acquires new equipment listed in paragraph (b) for resale may put that equipment into use, unless the War Production Board gives him written permission to do so.

(n) *Emergency repair loans are sometimes permitted.* The War Production Board will consider written or telegraphic requests for permission to lend equipment listed in paragraph (b) to someone whose own equipment is undergoing emergency repairs. If the War Production Board gives permission in writing, a person may deliver equipment to another person for use while the latter's equipment is being repaired. When the repairs are finished, the borrowed equipment must be returned to the person who lent it. Equipment listed in paragraph (b) is still considered new equipment even though it has been used for repair loans of the sort contemplated by this paragraph, and is still subject to the restrictions of paragraph (l) after it has been returned to the person who lent it.

(o) *Use of metal parts for rebuilding equipment is restricted.* A person may use metal parts, including cast iron, for rebuilding equipment listed in paragraph (b) or paragraph (c) only to the following extent:

A person rebuilding equipment for the United States Army, the United States Navy, the Veterans Administration, the United States Maritime Commission, or the War Shipping Administration, may use metal parts to the extent necessary to meet their specifications.

A person may also use metal parts in rebuilding a piece of equipment if their total weight will be less than 40 per cent of the total weight of the piece of equipment rebuilt, after the job is finished. A person may use additional metal parts for rebuilding a piece of equipment to the extent specifically authorized by the War Production Board in writing.

(p) *Reports on Form WPB–923 are required monthly.* Before the fifteenth of each month every person in the business of producing equipment listed in paragraph (b) or (c), and every person in the business of selling new equipment listed in paragraph (b) must send to the War Production Board a report on Form WPB–923. This reporting requirement has the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) *Miscellaneous reports.* Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, each person affected by this order must execute and file with the War Production Board whatever reports, information, and answers to questionnaires the War Production Board from time to time requests.

(r) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(s) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priorities assistance.

(t) *Exceptions and appeals.*—(1) *Production under Priorities Regulation 25.* Any person who wants to produce more commercial laundry equipment, commercial dry cleaning equipment or tailors' pressing equipment than he is permitted to make under the provisions of paragraphs (d) and (g) may apply for permission to do so as explained in Priorities Regulation 25. The delivery restrictions of paragraphs (i), (j), (k) and (l) apply to production authorized under Priorities Regulation 25.

(2) *Appeals.* Any appeals from provisions of this order other than those contained in paragraphs (d) and (g) shall be made by letter addressed to the War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L–91, referring to the particular provision appealed from and stating the grounds of the appeal.

(u) *Communications to War Production Board.* All reports required by this order, and all communications concerning its provisions should be addressed to: War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L–91.

Issued this 22d day of December 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

LAUNDRY, DRY CLEANING AND TAILORS' PRESSES

General Limitation Order L–91 restricts the production and distribution of certain kinds of laundry equipment, dry cleaning equipment, and tailors' pressing equipment. The first group of such equipment listed in paragraph (b) includes "presses". All presses of the types commonly known as laundry, dry cleaning or tailors' presses are controlled by Order L–91, including those produced or delivered for purposes other than laundering, dry cleaning or tailoring. For example, all pants top presses, pants leg presses, off pressing machines with bucks 38 inches long or longer, and 38 inch to 45 inch utility presses, are restricted by Order L–91 regardless of whether they are being produced and delivered to dry cleaning plants or to clothing manufacturers. On the other hand, Order L–91 is inapplicable to the following types of presses, since they are not commonly known as laundry, dry cleaning, or tailors' presses:

Back and blade presses.
Canvas front presses.
Coat front presses.
Collar presses.
Double bosom presses of the type used by shirt manufacturers.
Edge presses.
Fuse ply presses of the type used by shirt manufacturers.
Knit goods presses.
Off pressing machines, except those with bucks 38 inches long or longer.
Pocket presses.
Seam opening and under pressing presses.
Shoulder presses.
Side and back presses.
Sleeve and shrinking presses.
Vest presses.
Vest back presses.
Vest front presses.
Vest, neck and shoulder presses.

(Issued May 22, 1944.)

INTERPRETATION 2

POST EXCHANGE AND SHIP'S SERVICE DEPARTMENT ORDERS

Paragraph (e) of Order L–91 allows the production of equipment to fill specific United States Army or United States Navy orders. Under paragraph (g) equipment listed in paragraph (c) may be produced to fill specific orders from the War Shipping Administration. Paragraph (j) allows the delivery of new equipment listed in para-

graph (b) to the United States Army or the United States Navy. Paragraph (c) permits the use of metal parts without restriction when rebuilding equipment for the United States Army, the United States Navy, or the War Shipping Administration.

The foregoing provisions are military exceptions or exemptions subject to paragraph (c) of Priorities Regulation No. 17. Consequently, orders from Post Exchanges or Ship's Service Departments may not be accepted and filled under these provisions unless the orders are correctly endorsed as specified in Priorities Regulation 17.

In some cases persons have been given the privilege of operating a laundry, dry cleaning or pressing establishment in a Post Exchange or Ship's Service Department on a concession or lease basis. If the operator furnishes the equipment, purchases of equipment by him or for his account do not qualify as Post Exchange or Ship's Service Department orders and are subject to Order L-91 the same as orders from any other civilian laundry. (Issued July 21, 1944.)

[F. R. Doc. 44-19334; Filed, Dec. 22, 1944; 11:28 a. m.]

Chapter XI—Office of Price Administration

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C[1], Amdt. 168]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.8230 (b) is amended by substituting for the second sentence the following two sentences:

Any application for restoration of a decrease or reduction made after December 3, 1944, must be filed within ninety days from the date of the notice of such decrease. No person may file such application for any one place of business more frequently than once in sixty days, unless the District Director, for good cause shown, permits such filing.

2. Section 1394.8230 (c) (4) is amended by adding the following provisions at the end of the present text: However, if the applicant has been unable to replace all these invalid coupons because he has no more evidences and no more gasoline available for sale, he must show the extent to which he has made replacement, in the manner required by the preceding sentence. He must also list the names and addresses of his suppliers to whom he still owes replacement and the amount owing to each of them.

3. Section 1394.8230 (d) (5) is added to read as follows:

(5) If the applicant has been unable to deliver valid coupons to his supplier to replace certain of the invalid coupons because he has no more evidences and no more gasoline available for sale to replace the invalid coupons, but satisfies the provisions of § 1394.8230 (c) (4), and is otherwise entitled to replacement of invalid coupons under the provisions of this section, the District Director or his designee shall determine the amount of replacement allowable pursuant to this section and shall then proceed as follows:

(i) He shall order the unreplaced items to be credited to the ration bank account of the supplier, but not in excess of the total replacement allowable pursuant to this section.

(ii) If the total amount of replacement evidences allowable pursuant to this section exceeds the unreplaced items due the applicant's supplier, the District Director or his designee shall direct the appropriate Board to issue to the applicant appropriate evidences in an amount equal to the amount of such excess.

(iii) The District Director or his designee shall also notify the Board and the applicant in the manner required by § 1394.8225 (d), that the registered storage capacity of the applicant is increased in an amount equal to the replacement made pursuant to this subparagraph.

This amendment shall become effective December 22, 1944.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-19342; Filed, Dec. 22, 1944; 11:40 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 199]

STORAGE OF BEANS AND PEAS IN COLORADO AND NEBRASKA

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subparagraph (2) is added to section 8.2 (g) (Storage of beans and peas, dry, edible) to read as follows:

(2) *Colorado and Nebraska.* The maximum price that may be charged the War Food Administration by warehousemen in the States of Colorado and Nebraska for the storage of edible dry beans and peas may not exceed the following amounts in cents per 100 pounds:

For handling in	2
For handling out	2
For storage per month	2

This amendment shall become effective December 1, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-19343; Filed, Dec. 22, 1944; 11:40 a. m.]

Chapter XVIII—Office of Economic Stabilization

[Directive 26]

PART 4003—SUBSIDIES; SUPPORT PRICES

FLOUR

The Office of Price Administration and the Defense Supplies Corporation having submitted certain recommendations and information concerning payments to flour millers under Defense Supplies Corporation Regulation No. 4 on wheat ground after December 31, 1944, I hereby find it is necessary, in order to effectuate the purposes of Executive Orders 9250 and 9328, to issue this directive.

Accordingly, the Defense Supplies Corporation is hereby authorized and directed to make payments to flour millers under its Regulation No. 4 on wheat ground after December 31, 1944, and until further change, in accordance with the following principles:

1. The rates of payment shall be computed monthly by Defense Supplies Corporation and shall represent the weighted average of the differences between the market prices of milling types and grades of wheat in different markets and the comparable basic wheat related flour ceiling prices as calculated by the Office of Price Administration.

2. There shall be one rate applicable to all wheat ground in the Pacific Coast Area (as now defined in Regulation No. 4 of Defense Supplies Corporation) and to all wheat ground outside that area shipped from the Pacific Coast Area. This rate shall be computed from the market prices of various milling grades and types of wheat in the Pacific Coast Area.

3. There shall be one rate applicable to all wheat ground outside the Pacific Coast Area except wheat shipped from the Pacific Area. This rate shall be computed from the market prices of various milling grades and types of wheat at different markets weighted as follows:

	Weight
Hard wheat:	
Minneapolis	24.5
Kansas City	26.5
Omaha	14.0
Enid	6.0
Fort Worth	6.0
Soft wheat:	
Toledo	6.5
St. Louis	4.0
Ohio River Markets	2.0
Baltimore	3.5
Kansas City	3.0
Durum wheat:	
Minneapolis	4.0

4. There shall be an additional (or reduced, as the case may be) payment made to millers located in the State of Montana on wheat ground into flour in the State of Montana, after the flour so produced is sold and shipped by such millers into the Pacific Coast Area. The rate of such additional (or reduced) payment shall be determined by the difference between the rates of payment applicable to the Pacific Coast Area and to the area east of the Pacific Coast Area.

(E.O. 9250 and E.O. 9328)

Effective date: December 21, 1944.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 15937.

Issued this 21st day of December 1944.

FRED M. VINSON,
Director.

[F. R. Doc. 44-19318; Filed, Dec. 21, 1944; 4:09 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

TEMPORARY BRIDGES, LOS ANGELES—LONG BEACH HARBOR, CALIF.

Pursuant to section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), paragraph (b) (1) governing the operation of the temporary retractile pontoon bridge across the entrance channel to Long Beach Inner Harbor, between Terminal Island and Long Beach, California, is hereby amended as follows:

§ 203.710 *State of California: bridge regulations for all navigable waterways of the United States within California, including San Francisco Bay and connected bays and river systems tributary thereto.* * * *

(b) *Special regulations.* * * *

(1) *Los Angeles—Long Beach Harbors.* * * *

U. S. Navy Department's temporary pontoon bridge across Long Beach Harbor Entrance Channel, between Terminal Island and Long Beach. Closed periods: Between the hours of 1:45 a. m. to 2:30 a. m., 5:30 a. m. to 6:40 a. m., 7:20 a. m. to 8:15 a. m., and 3:30 p. m. to 5:00 p. m., daily, except Sundays, the drawspans will not be required to open for the passage of vessels, except in cases of extreme emergency. (Sec. 5, 28 Stat. 362; 33 U. S. C. 499) [Regs. 13 Dec. 1944 (C. E. 823 (Long Beach Harbor—Terminal Island—Long Beach, Calif.)—SPEWR)]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 44-19312; Filed, Dec. 21, 1944; 3:01 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 10—INSURANCE

NATIONAL SERVICE LIFE INSURANCE; PREMIUM WAIVERS AND TOTAL DISABILITY

Sections 10.3440 and 10.3441 are amended, and § 10.3481 is added, as follows:

§ 10.3440 *Requirements for waiver of premiums.* Upon written application by the insured payment of premiums may be waived during the continuous total disability of the insured which continues or has continued for six or more consecutive months, provided such disability commenced (a) subsequent to date of application for insurance, (b) while the insurance was in force under premium-paying conditions, and (c) prior to the insured's sixtieth birthday: *Provided,* This section shall not apply to any premium waiver authorized under subsection 602 (d) (3) of the act, as amended. The insured shall be required to furnish proof satisfactory to the Administrator showing continuous total disability for at least six consecutive months, and may be denied benefits for failure to cooperate: *Provided further,* That in the event of death of the insured without filing application for waiver, such application may be filed by the beneficiary with evidence of the insured's right to waiver under the conditions of this section on or before September 30, 1945, or within one year after death of the insured, whichever is the later; or, if the beneficiary be insane or a minor, such beneficiary may file application for waiver with evidence of the insured's right to waiver under the conditions of this section, within one year after removal of such legal disability.

§ 10.3441 *Effective date of premium waiver.* Subject to the following provisions, waiver of premiums may be made effective as of the date such six months continuous total disability commenced, but, except as hereafter provided, where the waiver is granted upon application of the insured, such waiver shall not be effective as to any premiums which became due more than one year prior to receipt of such application in the Veterans Administration; or, where the waiver is granted upon application of the beneficiary, such waiver shall not be effective as to any premiums which became due more than one year prior to the date of death of the insured: *Provided,* That the Administrator may grant waiver of premiums in excess of such one year periods in any case in which he finds that the insured's failure to submit timely application or satisfactory evidence to show the existence or continuance of total disability was due to circumstances beyond the control of the insured. Premiums tendered to cover a period during which the waiver is effective shall be refunded without interest.

§ 10.3481 *Maturity by death during total disability of less than six months duration.* In the event of the death of the insured within six months after becoming totally disabled insurance will be deemed in force if such disability commenced (a) subsequent to the date of application for insurance; (b) while the insurance was in force under premium-paying conditions, and (c) prior to the insured's sixtieth birthday, and continued without interruption until the insured's death: *Provided,* That proof of the foregoing facts, satisfactory to the Administrator of Veterans Affairs is filed by the beneficiary with the Veterans Administration on or before September 30, 1945, or within one year after the insured's death, whichever is the later date: *Provided further,* That if the beneficiary be insane or a minor, the proof of such facts may be filed within one year after removal of such disability: *And provided further,* That the amount of the unpaid premiums shall be a lien against and deducted from the proceeds of the insurance.

(54 Stat. 1003-1014; 38 U.S.C. 801-818; 58 Stat. 762)

[SEAL] FRANK T. HINES,
Administrator of Veterans' Affairs.

DECEMBER 26, 1944.

[F. R. Doc. 44-19313; Filed, Dec. 21, 1944; 3:57 p. m.]

PART 21—ATTORNEYS AND AGENTS: RULES OF PRACTICE; FEES

NOTIFICATION OF REJECTION OF CLAIMS

In § 21.5643, paragraphs (a) and (b) are amended to read as follows:

§ 21.5643 *Notification of rejection of claims and necessity for action by attorney or agent.* (a) Upon the rejection of a claim the agent or attorney of record and the claimant shall be notified of such rejection and the reason therefor and if within ninety days from the date of such notice no motion for reconsideration or appeal from the ruling made has been filed by the attorney or agent or claimant, the attorney or agent in default of cause shown shall be deemed to no longer represent the claimant and the claimant may employ any other duly qualified agent, attorney or other representative.

(b) Where a claim is allowed in whole or in part and a fee paid to the attorney or agent, his interest in the claim will be deemed to have terminated, unless the circumstances indicate that the claimant desires to have the attorney further represent him.

[SEAL] FRANK T. HINES,
Administrator of Veterans Affairs.

DECEMBER 22, 1944.

[F. R. Doc. 44-19314; Filed, Dec. 21, 1944; 3:57 p. m.]

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

GUARANTY OF LOANS (HOME)

The following changes are made to the regulations governing the guaranty of loans under Title III of the Servicemen's Readjustment Act of 1944:

1. Paragraph (v) is added to § 36.4000, as follows:

§ 36.4000. *Definitions.* * * *

(v) "Interest" means the compensation fixed by law, or by the parties to a contract, for the use or detention of, or forbearance with respect to money, irrespective of the name applied to such compensation.

2. In § 36.4012, paragraph (b) is amended to read as follows:

§ 36.4012 *Repayment provisions.* * * *

(b) If the mortgagor consents the mortgage may provide that each monthly or other periodical payment shall include in addition to the proper amount to be credited to principal and interest a pro-

portionate part of the estimated amounts required annually for all taxes, ground rents if any, special assessments if any, and fire and other hazard insurance premiums. Such provisions may direct the method of crediting the additional amounts included in the periodical payments for the purposes stated in this paragraph.

3. Paragraph (i) is added to § 36.4025, as follows:

§ 36.4025 *Papers required.* * * *

(i) When applicable, the original and copy (both signed) of Form No. 1862, Application to Amend Loan Guaranty Certificate, (see § 36.4031 (c) and (d)).

4. Paragraph (c) is added to § 36.4027, as follows:

§ 36.4027 *Administrator's action on application.* * * *

(c) (1) If for any reason the loan transaction is not concluded and the same or another lender thereafter wishes to consider making a loan on the same security described in the original application, a supplemental application, if the same lender, or a new application if a different lender, may be submitted. If accompanying it is a statement by the borrower and lender that the condition of the security is substantially the same as when the appraisal report was made, the supplemental or new application may be approved without a new appraisal, if the supplemental or new application shall have been received by the Administrator within three months from the date of the appraisal report.

(2) Without reference to the time limit stated in subparagraph (1) of this section, a copy of the appraisal report will be supplied without cost to a prospective new lender or to the original proposed lender at the currently prescribed price for a copy.

5. In § 36.4028 the existing text is designated (a) and paragraphs (b) and (c) are added as follows:

§ 36.4028 *Execution and form of guaranty.* (a) * * *

(b) The word principal as used in the Loan Guaranty Certificate and the certification on the reverse thereof means the amount of money actually disbursed to or for the account of the borrower.

(c) The certification by borrower and lender in paragraph III B (3) of the Loan Guaranty Certificates as printed in § 36.4028 shall be deemed to be correct, notwithstanding that the guaranteed loan is secured by a second lien, if, but only if, such is permissible under the regulations and the facts of the case, and if the application for guaranty indicates that the loan is to be secured by a second lien.

6. In § 36.4031, paragraph (a) (1) is amended and paragraphs (c) and (d) are added, as follows:

§ 36.4031 *Guaranty when effective.* (a) * * *

(1) The disbursement of the amount named in such report as the principal of the loan has been completed by the lender, which amount may be not more than 3% in excess of the amount of the proposed loan as stated in the original application for guaranty, without complying with the procedure stated in paragraphs (c) and (d) of this section.

* * * * *

(c) If the transaction to be closed is essentially the same as indicated in the original application except that:

(1) The amount of the loan actually to be made is more than 103% of the amount stated in the application, or

(2) Personal property to be acquired differs from that described but is for the same use or purpose and substantially similar in kind, quality and value, Form 1862, Application to Amend Loan Guaranty Certificate, will be completed and signed in duplicate.

(d) The lender will forward the original and copy of Form 1862, Application to Amend Loan Guaranty Certificate, to the "Agency", which will recommend approval or disapproval and forward both to the Veterans Administration office which issued the Loan Guaranty Certificate. Such office will determine whether to approve the Application to Amend Loan Guaranty Certificate. Such determination will be based on the original application, the evidence submitted in or with the original application, the application to amend, the recommendation of the Agency, and such other evidence, if any, as it considers necessary. Notice of action will be given as in the case of original applications. If approved such approval will be appropriately indicated on the original, and such original, duly executed by the Veterans Administration will be forwarded to the lender. It may be atached to the original Loan Guaranty Certificate to evidence amendment thereof as reflected by such "rider".

7. In § 36.4032, paragraphs (a), (b) (3), (e) and (g) are amended, and paragraph (i) is added, as follows:

§ 36.4032 *Construction loans.* (a) Upon the submission to an agency of an application made pursuant to section 501 (a) or 505 (a) of the act for the guaranty of a loan for the construction of a dwelling on unimproved property owned by the veteran, or under section 501 (b) for construction involving alterations or improvements, the guaranty will be issued to become effective only upon completion of the construction project, and upon fulfillment of the same requirements of this part as are applicable to the guaranty of loans for the acquisition of homes other than by construction.

(b) * * *

(3) There is issued by the Administrator Form 1863, Approval of Escrow Certificate, which may be attached to the loan guaranty certificate.

* * * * *

(e) Except where the construction shall have been inspected and approved and completion certified by a Federal Agency making or guaranteeing or insuring the principal loan on such property, as contemplated by section 505 (a) of the act, the Loan Guaranty Certificate shall become effective upon the condition, in addition to those set forth in § 36.4030, that there be supplied to the Administrator a statement by an appraiser on Form 1803 (a), Statement by Appraiser on Completion of New Construction,

(1) He has inspected the construction, repairs, alterations, or improvements.

(2) The same have been constructed and completed in substantial conformity with the contract, the plans and specifications (if any), and any authorized changes therein (if any), permitted by these regulations, or, in those cases embraced in § 36.4024 (c) or § 36.4024 (e) there are no plans and specifications, within good building practices.

(3) The increased value of the property as completed and which will be encumbered is substantially in accord with his estimate.

* * * * *

(g) Upon compliance with the requirements of this section and of §§ 36.4030 and 36.4031 relating to the guaranty becoming effective in other than construction loan cases, said Loan Guaranty Certificate shall become effective as originally executed (and subject to § 36.4031), or as amended pursuant to approval of application therefor on Form 1862, Application to Amend Loan Guaranty Certificate. (See § 36.4031 (c) and (d).)

* * * * *

(i) Minor changes may be made in the plans and specifications or substitution of material of substantially equal quality or value, as the creditor, the debtor, and the builder (contractor) may agree if same are not of a major character and in the aggregate do not increase or decrease the cost more than five per centum of the contract price. This does not modify the provisions of § 36.4031. Changes or substitutions other than as herein stated must have the approval of the Administrator.

8. Paragraph (a) of § 36.4033 is amended, and paragraphs (e) and (f) are added as follows:

§ 36.4033 *Losses which are not guaranteed.* * * *

(a) The acceptance by the mortgagee of a mortgage on any property, title to which is not merchantable;

* * * * *

(e) A release by the creditor of the lien on any of the real or personal property securing the guaranteed loan, or any part thereof, unless the Administrator consents in writing. Such consent may be granted if the debt is appropriately reduced or on such other terms as the Administrator may determine: *Provided, however,* That if the land is sought by a public authority for highway or other purposes, consent is hereby given for the creditor to release without consideration or for such consideration as he deems proper and without reference to the Administrator, the creditor's lien on land without any buildings thereon if the land so released does not exceed five per cent of the acreage encumbered and does not exceed $200 in value. The same consent is hereby given when the release, easement grant, or, other instrument is sought by a public or private agency, or person, for the purpose of pipe line, telephone, telegraph or electric transmission lines; *Provided, however,* That when such releases, or grants by the lender for any one or more of the purposes stated in

this paragraph, or otherwise, with or without specific consent by the Administrator, shall have decreased the security as much as five per cent in acreage, or $200 in value, no further releases shall be executed, without consent of the Administrator. If release of lien is executed contrary to the provisions of these regulations the amount of the guaranty will be reduced proportionately in the same manner as if the value of the released property were applied as a credit on the unpaid balance of the loan. The provisions of this paragraph will not be construed to affect the guaranty in the event of any grant of title or easement that leaves unaffected the lien on the property affected thereby; or

(f) Sale by reason of foreclosure of a superior lien if the holder of the guaranteed loan secured by a subordinate lien has knowledge of such foreclosure sale as much as 10 days prior thereto and fails to notify the Administrator of the time and place thereof.

9. Section 36.4040 is amended to read as follows:

§ 36.4040 *Filing claim under guaranty.* Claim under the guaranty may be made on Form 1864, Claim under the Guaranty. Subject to the limitation that the total amount payable under the guaranty shall in no event exceed the original amount thereof, the amount payable under the guaranty shall be the percentage of the indebtedness originally guaranteed applied to the indebtedness (as defined in § 36.4000 (m)), computed as of the date of the claim, and reduced by any payments theretofore made by the United States pursuant to the guaranty.

10. In § 36.4041, the text immediately preceding paragraph (a) is amended to read as follows:

§ 36.4041 *Options available to Administrator.* Upon receipt of claim under the guaranty, or notice of intention to foreclose, the Administrator shall have the following options:

11. Sections 36.4050 and 36.4051 are amended to read as follows:

§ 36.4050 *Forms, construction to be placed on reference to.* All references in the regulations to Form 1800, Certification of Eligibility, or to other form numbers shall be construed to include any revision of the same forms, identified by the same, or by different numbers.

§ 36.4051 *Disqualified lenders and bidders.* Except under unusual circumstances and upon prior approval by the Administrator an application for guaranty of a loan will not be approved if the lender is known to be an employee of the Veterans Administration or of the Agency; and without such approval, an employee of either may not bid at a foreclosure sale of the security for a guaranteed loan.

(58 Stat. 284)

[SEAL] FRANK T. HINES,
Administrator of Veterans Affairs.

DECEMBER 20, 1944.

[F. R. Doc. 44-19315; Filed, Dec. 21, 1944; 3:57 p. m.]

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

GUARANTY OF LOANS ON FARMS AND FARM EQUIPMENT

Section 36.4128 (b) is amended to read as follows:

§ 36.4128 *Execution and form of guaranty.* * * *

(b) The word principal as used in the Loan Guaranty Certificate and the certification on the reverse thereof means the amount of money actually disbursed to or for the account of the borrower.

(58 Stat. 284)

[SEAL] FRANK T. HINES,
Administrator.

DECEMBER 8, 1944.

[F. R. Doc. 44-19316; Filed, Dec. 21, 1944; 3:57 p. m.]

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

GUARANTY OF LOANS ON PURCHASES OF BUSINESSES, ETC.

The following regulations govern the guaranty of loans on businesses, etc., under Title III of the Servicemen's Readjustment Act of 1944:

Sec.
36.4200 Definitions.
(a) Administrator.
(b) United States.
(c) State.
(d) Designated agency or agency.
(e) Federal agency.
(f) Guaranty.
(g) Mortgage.
(h) Secondary or junior loans.
(i) Guaranteed loan.
(j) (1) Business.
(2) Business loan.
(3) Business realty loan.
(4) Purchased or to be purchased.
(k) Reasonable normal value.
(l) (1) Land.
(2) Buildings.
(3) Personal property.
(4) Supplies.
(5) Equipment.
(m) Indebtedness.
(n) Note.
(o) Appraiser.
(p) Certificate of title.
(q) Credit report.
(r) Eligible veteran.
(s) Eligible lenders.
(t) Creditor.
(u) Debtor.
(v) Used or conducted by a veteran.
(w) Interest.
36.4201 Miscellaneous.

LOANS ELIGIBLE FOR GUARANTY

36.4202 Eligible location.
36.4203 Loans for business purposes.
36.4204 Loans for the acquisition of a business.
36.4205 Loans for purchase of equipment and supplies.
(a) Loans for the purchase of equipment, machinery or tools (new or used).
(b) Loans for the purchase of supplies.
36.4206 Second loans to complete a purchase.
36.4207 Life insurance, or additional security.
36.4208
(a) Loans for the purchase of business realty (land, building).
(b) Mortgages required on business realty.
36.4209 Transfer of title.
36.4210 Obligation of guarantor.
36.4211 Contract provisions.
36.4212 Repayment provisions, business loans.
36.4213 Prepayments.
36.4214 Pro rata decrease of guaranty.
36.4215 Insurance coverage required.
36.4216 Loan charges.
36.4217 Interest.
36.4218 Advances.

GUARANTY BY THE ADMINISTRATOR

36.4220 Limits.
36.4221 Second loan under section 505 (a).
36.4222 Two or more eligible veterans or borrowers.
36.4223 Maximum liability where there are two or more veterans.
36.4224 Veteran's application.
36.4225 Papers required.
36.4226 Recommendation for approval of guaranty.
36.4227 Administrator's action on application.
36.4228 Execution and form of guaranty.
36.4229 Disposition of papers.
36.4230 Loan procedure after approval of guaranty.
36.4231 Report of closing loan.
36.4233 When guaranty does not apply.

CLAIM UNDER A GUARANTY

36.4234 Default.
36.4235 Claim on notice of default.
36.4236 Legal action.
36.4237 Notice of suit and subsequent sale.
36.4238 Death of veteran or other owner.
36.4239 Death or insolvency of creditor.
36.4240 Filing claim under guaranty.
36.4241 Options available to Administrator.
36.4242 Refinancing and extension of guaranty.
36.4243 Subrogation.
36.4244 Future action against mortgagor.
36.4245 Suit by Administrator.
36.4246 Creditor's record and reports required.
36.4247 Failure to supply information.
36.4248 Notice to Administrator.
36.4249 Right to inspect books.
36.4250 Forms, construction to be placed on references to.
36.4251 Disqualified lenders and bidders.

AUTHORITY: §§ 36.4200 to 36.4251, inclusive, issued under 58 Stat. 284.

§ 36.4200 *Definitions.* Wherever used in §§ 36.4200 to 36.4251, inclusive, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated, namely:

(a) "Administrator" means the Administrator of Veterans Affairs or any employee of the Veterans Administration designated by him to act in his stead.

(b) "United States" used geographically means the several States, Territories and possessions, and the District of Columbia.

(c) "State" means any of the several States, Territories and possessions, and the District of Columbia.

(d) "Designated agency" or "agency" as used in respect to processing applications for guaranty of loans, means any Federal instrumentality designated by the Administrator (including Veterans Administration if so designated) to certify whether an application meets the requirements of the Act and regulations, and recommend whether the application should be approved if the applicant is found eligible.

(e) "Federal agency" as used with respect to agencies making, guaranteeing or insuring primary loans, means

any Executive Department, or administrative agency or unit of the United States Government (including a corporation essentially a part of the Executive Branch) at any time authorized by law to make, guarantee or insure such loans.

(f) "Guaranty" means the obligation of the United States of America assumed by virtue of the guaranty by the Administrator as provided in Title III of the Servicemen's Readjustment Act of 1944 (58 Stat. 284; 38 U.S.C. 693) and subject to the limitations and conditions thereof and of §§ 36.4200 to 36.4251, inclusive. The subject of the guaranty is that portion of an eligible loan procured by an eligible veteran which may be subject to being guaranteed as provided in said Title III, as determined by the Administrator upon application in accordance with §§ 36.4200 to 36.4251, inclusive.

(g) "Mortgage" means an applicable type of security instrument commonly used or legally available to secure loans or the unpaid portion of the purchase price of real or personal property in a State, District, Territory, or possession of the United States of America in which the property is situated. It includes, for example, deeds of trust, security deeds, escrow instruments, real estate mortgages, conditional sales agreements and chattel mortgages.

(h) "Secondary" or "junior" loan means a loan which is secured by a lien or liens subordinate to any other lien or liens on the same property.

(i) "Guaranteed loan" means a loan unsecured, or secured by a primary lien, or where permissible under the act and §§ 36.4200 to 36.4251, inclusive, a secondary lien, which loan is guaranteed in whole or in part by the Administrator as evidenced by endorsement thereon; or by Loan Guaranty Certificate issued by the Administrator, and which shall have become effective as prescribed by §§ 36.4200 to 36.4251, inclusive, or by such other legal evidence as may be provided by the Administrator.

(j) (1) "Business" means any gainful occupation or profession other than farming which constitutes the applicant's major occupation.

(2) "Business loan" means an obligation for all or part of the purchase price, or a loan obtained for the purpose of paying all or part of the purchase price of (i) the entire, or a part interest in, an existing business enterprise whether it is, or is to be operated by an individual, partnership or joint venture, and includes leasehold rights as lessor or lessee of real or personal property a part of such enterprise and similarly good will, franchise rights, and rights as licensee, (ii) supplies, machinery, equipment or tools.

(3) "Business realty loan" means a loan for the purchase of land or buildings or both to be used by the applicant in pursuing a gainful occupation other than farming. Leasehold rights included in subparagraph (2) will not be deemed "business realty."

(4) "Purchased or to be purchased" as used in section 503 (1) of the act refers to real or personal property to be used for a purpose stated in section 503 of the act, whether the property is purchased contemporaneously with such application, or is to be purchased subsequent thereto. But as to any loan for a future purchase the guaranty will become effective only from the time the purchase is consummated.

(k) (1) "Reasonable normal value" for the purposes of the act is that which can be justified as a fair and reasonable price to be paid for the real or personal property for the purposes for which it is being acquired, assuming a reasonable business risk, but without undue speculative or other hazard as to the future of such value.

(2) The purpose and intent are to assure that the price to be paid is not in excess of that on which a fair profit can be earned based on (i) the past record, if any; (ii) the reasonable probabilities of the future; and (iii) reasonably efficient management.

(l) (1) "Land" as used in section 503 of the act refers to an interest in realty defined in this section, and subject to the conditions therein.

(i) An interest in realty may be a fee simple estate, or certain other estates indicated in subdivisions (i) to (vi) of this subparagraph (1) (including an estate for years) eligible as security for guaranteed loans. But in any event the estate shall be one limited to end at a date more than 14 years after the ultimate maturity date of the loan, or when the fee simple title shall vest in the lessee; except that, if it is a leasehold that terminates earlier, it shall nevertheless be acceptable if lessee has the irrevocable right to renew for a term ending more than 14 years after the ultimate maturity date of the loan or until the fee simple title shall vest in lessee: *Provided* The mortgagee obtains a mortgage lien of the required dignity upon such option right or anticipated reversion or remainder in fee.

(ii) A life estate or other estate of uncertain duration is excluded, unless the remainder interests are also encumbered by a lien of the same dignity to secure the same debt.

(iii) A remainder interest in realty shall be eligible as security for a guaranteed loan only in the event that all the owners of intervening immediate or remainder interests lawfully can and do (*a*) joint in the mortgage in such manner as to subject all such intervening estates to the lien; or (*b*) execute and deliver a lease or other proper conveyance to the owner of the ultimate remainder in fee simple in such manner as to assure his legal right to possession and enjoyment until the vesting of his ultimate remainder interest.

(iv) If other than a fee simple estate or estate for years with minimum duration as stated in subdivision (i) of this subparagraph (1) is offered as security full information may be submitted to the Administrator before taking application from the veteran. The Administrator shall determine the eligibility of any such estate.

(v) The existence of any of the following will not require denial of the guaranty; hence will not require special submission:

(*a*) Outstanding easements for public utilities, party walls, driveways, and similar purposes;

(*b*) Customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(*c*) Slight encroachments by adjoining improvements;

(*d*) Outstanding water, oil, gas or other mineral, or timber rights which do not and will not materially impair the value for business purposes, and which are customarily waived by prudent lenders in the community: *Provided, however,* That if there is outstanding any legal right to quarry, mine or drill within 400 feet of the encumbered building the application for guaranty may be denied for that reason unless upon consideration of all the facts the Administrator determines otherwise. Such determination at the option of the lender or borrower may be obtained upon a special submission of all the facts prior to taking application for guaranty.

(vi) A mortgage on an undivided interest in realty shall not be acceptable unless all co-tenants of the veteran join in the mortgage, and unless such joinder has the legal effect of creating a lien on the property such as is otherwise required. In such case it shall not be required that the co-tenants join in, endorse, or otherwise become personally liable on the veteran's indebtedness. Notwithstanding such joinder in the mortgage by the co-tenants the value of the security for purpose of guaranty shall be determined with respect to the individual interest of the veteran only, and the guaranty will be limited to the proper proportion of that sum, irrespective of the actual amount of the loan.

(2) "Buildings" as used in section 503 of the act refer to structures of a permanent nature which are attached to and become a part of the land.

(3) "Personal property" means tangible or intangible property other than land or buildings as defined in paragraph (l) (1) and (l) (2) of § 36.4200 if such property is to be used in a business conducted by the veteran as prescribed in §§ 36.4200 to 36.4251, inclusive. It includes property which by reason of the contract of the seller and purchaser remains personalty notwithstanding that except for such contract it would become a "fixture," or otherwise a part of the realty.

(4) "Supplies" mean those articles normally used, necessary and expended in the operation of a business or profession, including those required by the service industries, both personal and industrial.

(5) "Equipment, machinery and tools" mean all such articles commonly so described, and which are required for use in pursuing a gainful occupation other than the resale thereof and which will be useful and reasonably necessary for the efficient and successful pursuit of such occupation. Equipment shall include structures which by operation of law or the terms of the applicable lease or other contract of the parties, do not become a part of the realty, and which may be re-

moved without consent, or further consent, of the land owner.

(m) "Indebtedness" means the unpaid principal and accrued interest on the note, bond or other obligations, the subject of the guaranty, and includes also taxes, insurance premiums and any other items for which the debtor is liable under the terms of the mortgage, or other contract, including proper contractural or statutory trustee fees and attorney fees, if any.

(n) "Note" means a promissory note, a bond, or other instrument evidencing the debt and the debtor's promise to pay same.

(o) "Appraiser" means an individual or firm or corporation of recognized standing, approved in writing by the Administrator to appraise property. An applicant for designation as an approved appraiser shall show to the satisfaction of the Administrator that he is of good character and that his experience and information enable him to form sound opinions as to the reasonableness of the purchase price or cost of property to be appraised in the territory in which he expects to operate.

A list of appraisers, considered by the Administrator to be in good standing at the time §§ 36.4200 to 36.4251, inclusive, become effective, may be approved.

(p) "Certificate of title" means, with respect to real property, a written and signed opinion or statement as to title by a qualified member of the bar of, or by a title company authorized to do such business in, the jurisdiction in which the mortgaged property is situated; or at the option of borrower and lender a title insurance or guaranty contract by a corporation authorized to engage in such business in the State wherein the property is situated; or appropriate evidence of title in the proposed encumbrancer pursuant to a Torrens or other similar title registration statute.

(q) "Credit report" means the report submitted by any credit reporting agency of at least five years' experience with facilities for national coverage, approved by the Administrator, or any other form of report acceptable to the Administrator for the purpose of determining the applicant's credit standing.

(r) "Eligible veteran" means a veteran who:

(1) Served in the active military or naval service of the United States on or after September 16, 1940, and before the officially declared termination of World War II.

(2) Shall have been discharged or released from active service under conditions other than dishonorable, either

(i) After active service of ninety days or more, or

(ii) Because of injury or disability incurred in service in line of duty, irrespective of the length of service; and

(3) Applies for the benefits of this Title within two years after separation from the military or naval forces, or within two years after the officially declared termination of World War II, whichever is later. In no event, however, may an application be filed later than five years after such termination of such war.

(s) "Eligible lenders" are persons, firms, associations, corporations and "governmental agencies and corporations, either State or Federal".

(t) "Creditor" means the payee or any subsequent holder of the indebtedness, and includes a mortgagee.

(u) "Debtor" means the maker of the note or obligor in any other obligation, or any other person who is, or becomes, liable thereon, by reason of a contract of assumption or otherwise.

(v) "Used or conducted by a veteran" means personally directed and operated by a veteran on the site, with or without hired labor; not solely operated by a tenant or an employee who does not receive supervision and direction by the veteran.

(w) "Interest" means the compensation fixed by law or by the parties to a contract, for the use or detention of, or forbearance with respect to, money, irrespective of the name applied to such compensation.

§ 36.4201 *Miscellaneous.* Throughout §§ 36.4200 to 36.4251, inclusive, unless the context otherwise requires: (a) the singular includes the plural; (b) the masculine includes the feminine and neuter; (c) person includes corporations, partnerships and associations; (d) month means calendar month, i. e., the period beginning on a certain date in one month and ending at midnight on the preceding date of the next month; (e) "the act" or "the statute" means the Servicemen's Readjustment Act of 1944, Ch. 268—78th Congress—2d Session, (Public No. 346), 58 Stat. 284; 38 U.S.C. 693; (f) Title III means Title II of the act.

LOANS ELIGIBLE FOR GUARANTY

§ 36.4202 *Eligible location.* To be eligible for guaranty a loan for any of the purposes stated in section 503 must be in connection with an enterprise which has its principal place of business within the United States and any real or personal property encumbered to secure a loan shall be situated within the United States. Temporary removal for use in the course of the business will not affect the guaranty if the lien is not affected.

§ 36.4203 *Loans for business purposes.* Section 503 of the act provides for granting to an eligible veteran "the guaranty of a loan to be used in purchasing any business, land, buildings, supplies, equipment, machinery, or tools, to be used by the applicant in pursuing a gainful occupation (other than farming)." The application, therefore, may be approved by the Administrator if he finds that:

(a) The proceeds of such loan will be used for payment for real or personal property purchased or to be purchased by the veteran and used by him in the bona fide pursuit of such gainful occupation;

(b) Such property will be useful in and reasonably necessary for the efficient and successful pursuit of such occupation;

(c) The ability and experience of the veteran, and the conditions under which he proposes to pursue such occupation, are such that there is a reasonable likelihood that he will be successful in the pursuit of such occupation;

(d) The purchase price paid or to be paid by the veteran for such property does not exceed the reasonable normal value thereof as determined by proper appraisal; and

(e) The loan appears practicable.

§ 36.4204 *Loans for the acquisition of a business.* (a) The assets to be acquired may consist of real or personal property, tangible or intangible, or a combination of any such. The business so acquired may be operated by an individual or a partnership. The appropriate contracts or circumstances shall assure that upon acquisition of the contemplated interest in the business enterprise the veteran, as sole owner or as partner, shall have an active part in the management and direction thereof. The ultimate maturity of such loans shall not be in excess of 5 years.

(b) When the veteran purchases an interest in an existing business which interest will constitute security for a guaranteed loan, the bill of sale or other appropriate instrument shall expressly provide that the good will is included, and when appropriate, and in every case in the service industries, shall contain appropriate provisions, lawful in the jurisdiction, forbidding or restricting the seller's engaging in a similar business within such period of time and such area as the seller and purchaser agree. Encumbrance on interests in the business so acquired shall include all such rights, and in all cases, encumbrances on business interests shall expressly include good will.

(c) (1) To the extent practicable and legally permissible, all assets of the business acquired shall be pledged as security for the loan.

(2) Cash, notes, accounts receivable and other choses in action not an integral part of the business may be excluded.

(3) The lien on personalty may be a secondary lien provided the first lien secures only an obligation for part of the purchase price thereof.

(4) If realty is acquired in the transaction the lien on the realty shall be a first lien unless § 36.4206 is applicable.

(d) If the indebtedness of the veteran is not adequately secured by lien on the entire interest in specific chattels or other personal property but is secured by undivided interests in specific chattels or other personal property, or in a business enterprise owned by more than one person, the requirement of paragraph (l) (1) (vi) of § 36.4200, relating to undivided interests in realty shall be applicable to the interests in said chattels or business or other personal property.

(e) Loans for the acquisition of additional inventory or for other working capital purposes are not included in the act.

§ 36.4205 *Loans for purchases of equipment and supplies*—(a) *Loans for the purchase of equipment, machinery or tools (new or used).* (1) A loan for the entire purchase price of such articles,

to be guaranteed in whole or in part, shall be secured by a conditional sales agreement, or by a first lien. The ultimate maturity of such loans shall not be in excess of 3 years.

(2) A loan for the initial payment on the purchase price of such articles shall not exceed one-third of the purchase price and subject to the same limitation shall not exceed $1,000.00. The ultimate maturity of such loans shall not be in excess of one year for loans which do not exceed $500.00, or 2 years for loans exceeding $500.00. Loans for such purposes shall be secured by second lien.

(3) In on event will application for guaranty be granted in respect to an obligation for the unpaid purchase price or any part thereof if application for guaranty shall have been granted (or is pending) in respect to the initial payment on the purchase price of the same property as contemplated by subparagraph (2).

(b) *Loans for the purchase of supplies.* A loan for the purpose of purchasing supplies as defined in § 36.4200 (l) (4) may be made if the loan does not exceed $1,000.00 and the maturity does not exceed 1 year. Such loans may be unsecured if security is not practicable or customary.

§ 36.4206 *Second loans to complete a purchase.* If the loan secured by a first lien is made, guaranteed or insured by a Federal Agency pursuant to law or regulation applicable thereto as provided in section 505 (a) of the act, and application is made to the Administrator to guarantee a second loan to cover all or part of the purchase price, such application may be granted if otherwise proper under the act and §§ 36.4200 to 36.4251, inclusive, notwithstanding the loan is not secured by a first lien.

In such case the second loan shall not exceed 20% of the purchase price and the rate of interest shall not exceed 4% per annum.

§ 36.4207 *Life insurance, or additional security.* The lender and borrower may make mutually acceptable arrangements for life insurance, or for other security in addition to the property, if any, encumbered to secure the guaranteed loan.

§ 36.4208 (a) *Loans for the purchase of business realty (land, building).* Except as provided in section 505 of the act, loans for the purpose of purchasing business realty and in respect to which any guaranty is sought, shall be secured by a first lien on such property; but the existence of tax or special assessment prior liens will not disqualify security which is adequate and otherwise acceptable.

(b) *Mortgages required on business realty.* (1) Each business realty loan guaranteed under the provisions of Title III must be evidenced by a note or notes secured by appropriate security instrument or instruments (mortgage legally sufficient in the jurisdiction in which the property to be encumbered is situated). If the loan to be guaranteed does not exceed $500 and the lender does not require a mortgage, the Administrator may nevertheless guarantee such loan provided it complies otherwise with the act and §§ 36.4200 to 36.4251, inclusive.

(2) The law of the State where the contract is made determines the capacity of the parties to contract. Similarly the law of the State wherein the real estate or personal property is situated determines the capacity of mortgagor to encumber and of the mortgagee to hold the legal rights resulting from encumbrance. The act does not modify such law of the State. The guaranty by the Administrator will be available only in the event that under the applicable State law the contract between the borrower and lender is binding on both, and the mortgage has the legal effect intended. Subparagraph (2) of this paragraph will be applicable particularly in cases involving minors, "persons of unsound mind," and persons under other legal disability by reason of the law of the State. It will be applicable also in cases involving mortgage or other loans which any guardian, conservator, or other fiduciary seeks to make or obtain; and to a guaranty thereof for which application is submitted.

(3) A term loan, which is in accord with applicable State or Federal law, and regulations, if any, may be eligible for guaranty if the amount of the loan to be guaranteed plus the unpaid amount of all obligations secured by liens superior to the lien securing the proposed loan does not exceed two-thirds of the reasonable normal value of the property encumbered to secure the loan and if the ultimate maturity date of the mortgage indebtedness so secured, and to be guaranteed, is not more than five years from the date of the note. Such superior liens shall not be mortgage liens, except when the guaranty is issued pursuant to section 505 of the act.

(4) Except as provided in subparagraph (3) of this paragraph the loan shall be amortized. The obligation to be amortized may, and except for the first year shall, require such periodical payments of stated sums as will in accordance with standard amortization practice result in payment of the entire principal and interest within not more than 20 years from the date of the loan, or the date of assumption by the veteran, whichever is later. At the request of the mortgagor the payments during the first year shall be less than the amount required thereafter, by the sum representing the interest charge on the guaranteed part of the loan, and which interest charge the Administrator will pay at the end of that year.

§ 36.4209 *Transfer of title.* The conveyance or other transfer of a veteran's interest in a business, or in other property, real, personal or mixed, which has been acquired wholly or in part with the proceeds of a loan guaranteed in whole or in part by the Administrator, shall not terminate or otherwise affect the contract of guaranty, unless (a) the creditor by express agreement for that purpose releases or otherwise discharges the veteran from personal liability thereon; or (b) by indulgence of, or by agreement with, the veteran's immediate or remote grantee, or vendee, contrary to §§ 36.4200 to 36.4251, inclusive, and without the consent of the Administrator the creditor so alters the contract made by the veteran with the lender as to cause discharge of the veteran by operation of law.

§ 36.4210 *Obligation of guarantor.* To the extent prescribed the obligation of the United States is that of a guarantor, not an indemnitor.

§ 36.4211 *Contract provisions.* Subject to the provisions of the act and §§ 36.4200 to 36.4251, inclusive, the contract between the lender and borrower may contain such provisions as they agree upon and which are reasonable and customary in the locality where the property is situated.

§ 36.4212 *Repayment provisions, business loans.* (a) Subject to §§ 36.4204, 36.4205 and 36.4208 the terms of repayment of the loan to be guaranteed may be such as the lender and borrower agree. Such terms should be predicated primarily upon the anticipated earning capacity of the business, the nature and normal useful life of the security, if any, and other material factors that would be considered by reasonably prudent persons similarly situated. Generally, such loans should be repayable on a monthly, quarterly, or seasonally amortized basis. An unamortized loan, except as provided in § 36.4208 (b) (3) will not be guaranteed.

(b) The loan agreement may provide for variable amortization payments dependent upon the earnings of the business, and for such other reasonable protective options as usually are required by prudent lenders of the community in comparable transactions.

(c) Any loan guaranteed by the Administrator under Title III of the act shall be payable in full in not more than twenty years.

§ 36.4213 *Prepayments.* (a) When the debt is to be amortized the note or other evidence thereof, or the mortgage securing same, shall contain appropriate provisions granting any person liable for such debt, the right to pay at any time the entire unpaid balance or any part thereof. Unless otherwise agreed all such prepayments shall be credited to the unpaid principal balance of the loan as of the due date of the next instalment. No premiums shall be charged for any partial or entire prepayment.

(b) Any person liable shall be entitled to prepay a term loan, or any part thereof, upon not less than one month's notice. The note or mortgage shall so provide.

(c) Any prepayment shall be applied in the manner and to the items directed by the person making the prepayment.

§ 36.4214 *Pro rata decrease of guaranty.* The amount of the guaranty shall decrease pro rata with any decrease in the amount of the unpaid principal of the loan, prior to the date the claim is submitted.

§ 36.4215 *Insurance coverage required.* (a) Buildings the value of which enter into the appraisal forming the basis for

the loan guaranteed shall be insured against fire, and other hazards against which it is customary in the community to insure and in reasonable amount, at least equal to the amount by which the loan exceeds the value of the encumbered land, plus that of the improvements included in the appraisal but which are not subject to the hazards insured against: *Provided*, That upon a satisfactory showing at the time of application for guaranty that (1) it is impossible or impracticable to obtain such insurance because of location, prohibitive cost, or other good reason; (2) prudent lenders in such community customarily do not require such insurance, or some portion thereof (amount or hazard), and (3) the lender submitting the application is willing to make the loan without insurance coverage on one or more of the buildings, or without certain coverage, or in a reduced amount, and subject to the provisions of paragraphs (b) and (c) of this section; the Administrator may at the time of approving the application waive all or part of such insurance requirements, subject to the provisions of said paragraphs (b) and (c) of this section. No waiver will be granted on the basis of premium cost in any case wherein the premium cost on an annual basis does not exceed $5.00 per $1,000 of insurance against the hazard of fire, or $10.00 per $1,000 for fire and all other hazards covered by the insurance. For loans on personality, insurance collectible in amount equal to the debt and against the hazards usually insured against, if reasonably available, at reasonable cost shall be required. The insurance coverage on personalty will be a factor in determining the practicability of the loan. The procuring of insurance of the amount and coverage stated in the approved application shall constitute conclusive evidence of waiver by the Administrator of insurance in excess of the amount stated in or in connection with the application and also all hazards and property not mentioned therein as hazards and property to be covered.

The creditor shall require that there be maintained in force such insurance of the coverage stated in the approved application in an amount not less than the amount stated or the amount of the unpaid indebtedness whichever is the lesser.

In the event insurance becomes unavailable the fact shall be reported to the Administrator for determination whether waiver shall be granted or loan declared in default.

(b) For the sole purpose of determining the amount payable upon a claim under the guaranty after an uninsured loss (partial or total) has been sustained, the unpaid balance of the loan (except as provided in paragraph (c) of this section) will be deemed to have been reduced by an amount equal to the amount of the uninsured loss, but in no event below an amount equal to the value of the land and other property remaining and subject to the mortgage.

(c) There shall be no reduction of the amount of the guaranty as provided in paragraph (b) of this section by reason of an uninsured loss which is uninsured (as to hazard or amount) by reason of a waiver by the Administrator as provided in paragraph (a) of this section.

(d) All insurance effected on the mortgaged property shall contain appropriate provisions for payment to the creditor (or trustee, or other appropriate person for the benefit of the creditor), of any loss payable thereunder. If by reason of the creditor's failure to require such loss payable provision in the insurance policy payment is not made to the mortgagee the liability on the guaranty nevertheless shall be reduced as provided in paragraph (b) of this section with respect to an uninsured loss, except to the extent that the liability under the policy was discharged by restoring the damaged property, by the insurer, or out of payments thereunder to the insured, or otherwise. No waiver pursuant to paragraph (a) of this section shall modify this paragraph (d).

(e) Upon the creditor (or trustee or other person) collecting the proceeds of any insurance contract, or other sum from any source by reason of loss of or damage to the mortgaged property, he shall be obligated to account for same, by applying it on the indebtedness, or by restoring the property to the extent the expenditure of such proceeds will permit. As to any portion of such proceeds the mortgagee is not entitled to retain for credit on such indebtedness or by reason of other legal right he shall hold and be obligated to pay over the same as trustee for the United States and for the debtor, as their respective interest may appear.

(f) Nothing in §§ 36.4200 to 36.4251, inclusive, shall operate to prevent the veteran from procuring acceptable insurance through any authorized insurance agent or broker he selects. In all cases the insurance carrier shall be one licensed to do such business in the State wherein the property is situated.

§ 36.4216 *Loan charges.* (a) In the case of a purchase of business or real or personal property by the veteran, and a guaranty pursuant to the act and §§ 36.4200 to 36.4251, inclusive, of an indebtedness representing part of the purchase price, there may be charged to the veteran and included in said note amounts actually paid or incurred by the seller (mortgagee) for such expenses and charges as are chargeable to such purchaser in accord with local custom, if the purchaser so agrees, such as fees for appraisals, credit and character report on the veteran, surveys, fees of purchaser's (not seller's) attorney, recording fees for recording the deed (or other conveyance) and the mortgage only, premiums on fire and other hazard insurance that may be required in accordance with §§ 36.4200 to 36.4251, inclusive.

(b) In the case of a loan to the veteran, charges in accord with local custom, such as fees for appraisals, credit and character report, surveys, abstract, or title search, curative work and instruments, attorney fees, fees for tax certificates showing all taxes paid, premiums on fire and other hazard insurance that may be required in accordance with §§ 36.4200 to 36.4251, inclusive, revenue stamps, recording fees, etc., all limited to amounts actually paid or incurred by the lender, may be charged to the borrower and withheld from the gross amount of the loan.

(c) Any unreasonable charges shall be grounds for denying an application for guaranty. No brokerage or other charges shall be made against the veteran for obtaining any loan guaranty under this title.

§ 36.4217 *Interest.* (a) The rate of interest chargeable on a loan guaranteed fully or in part, shall not exceed 4 per centum per annum on unpaid principal balances. Interest may be computed in accordance with standard amortization practices.

(b) The rate of interest on a secondary loan which is guaranteed pursuant to section 505 of the act may exceed by not more than 1% per annum the rate charged on the principal loan, but in no event shall the rate on the secondary loan exceed 4% per annum.

§ 36.4218 *Advances.* (a) Nothing herein shall prevent the creditor from making advances for the benefit of the mortgagor to pay taxes, and assessments on the real property (if any) securing the indebtedness, insurance premiums as they become due and the cost of the emergency repairs needed to protect the real or personal property, or to cover some particular emergency requirement of the business other than a working capital requirement, in order to prevent a default or to protect the security for the loan. The amount guaranteed by the Administrator shall be increased pro rata with all such increases in the unpaid principal balance of the loan; *Provided*, That (1) the annual interest rate on all advances shall not exceed 4 per centum per annum; (2) the terms of repayment shall not extend the date of the amortization of the loan, (3) the amount of the guaranty shall in no event exceed the original amount thereof, nor exceed the percentage of the indebtedness originally guaranteed, and (4) as to advances to cover an emergency requirement, the transaction is reported to the Administrator before or within 10 days after such advance, and is approved by him.

(b) In the case of any advance made by a creditor to a debtor, the creditor with the consent of the debtor, may apply any and all payments made by the debtor for a period of twelve months to the liquidation of the advance without considering the original loan in default. This shall not be construed to extend the period of indulgence contemplated by §§ 36.4234 and 36.4235.

GUARANTY BY THE ADMINISTRATOR

§ 36.4220 *Limits.* In no event will the aggregate obligations of the United States as guarantor under Title III exceed $2,000 in respect to one veteran, whether there be one or several loans, and whether some are obtained for the acquisition of a home, others for a farm, and others for business, or equipment, or other purposes. Repayment of a loan or loans in whole or in part, or transfer

of the encumbered property does not modify or enlarge such limitation. The guaranty shall not at any time exceed 50 per centum of the aggregate of the indebtedness for any of the purposes specified in sections 501, 502 and 503 of the act.

§ 36.4221 *Second loan under section 505 (a).* Section 505 (a) of the act provides that when the principal loan for any of the purposes stated in section 501, 502 or 503 is "approved by a Federal agency to be made or guaranteed or insured by it pursuant to applicable law and regulations, and the veteran is in need of a second loan to cover the remainder of the purchase price or cost, or a part thereof," the Administrator may guarantee the full amount of the second loan, *Provided:*

(a) It does not exceed 20 per centum of the purchase price or cost.

(b) The amount guaranteed together with all other guarantees under Title III for the same veteran does not exceed $2,000.

(c) The loan conforms to all other applicable requirements of §§ 36.4200 to 36.4251, inclusive.

§ 36.4222 *Two or more eligible veterans or borrowers.* (a) In the absence of a statement to the contrary, an application signed by two or more eligible veterans shall be conclusively presumed to be an application by each for the guaranty of an equal proportionate part of the entire amount to be guaranteed: *Provided, however,* That if husband and wife execute the application, both being eligible veterans, it will be conclusively presumed in the absence of a contrary statement in the application that it is an application for guaranty on behalf of the husband only, unless the amount of guaranty then available to the husband is insufficient to meet the requirements of the case for guaranty of a proper amount under §§ 36.4200 to 36.4251, inclusive, and the terms of the application; in which event the deficiency may be charged against the amount available to the wife, unless she has in the application or otherwise (before approval) stated in writing her unwillingness to be so charged.

(b) The Administrator will not require a wife to sign an application made by her husband. If she also is an eligible veteran and desires to exercise her right as such to obtain a guaranty, a separate application by her will be required. Signature of her husband to indicate his pro forma joinder will be required only when the wife is resident of, or the application is signed in, or the property to be encumbered is situated in, a State under laws of which such contract cannot be legally executed by a married woman alone as in the case of an unmarried woman.

§ 36.4223 *Maximum liability where there are two or more veterans.* (a) For the purpose of determining the maximum amount of the potential liability of the United States under a guaranty incident to an obligation on which two or more eligible veterans who applied for the guaranty are liable, the obligation will be deemed a several, and not a joint, obligation of the respective applicants who were charged with the guaranty or a part thereof notwithstanding that as among the debtors or any of them, and as between them, or any of them, and the creditor, the obligation is in fact and law a joint obligation or a joint and several obligation.

(b) In no event will the amount of any veteran's debt thereunder be deemed to exceed for guaranty purposes the amount for which such veteran is legally liable to the holder of the obligation, nor the value of the interest of the veteran in the property. If more than one of the obligors is an eligible veteran and application by him or them is granted, the maximum aggregate amount of the guaranty will be the sum of the amounts available to each applying veteran but in no event will the aggregate of the guarantees for more than one veteran exceed 50 per centum of the total loan except as provided under section 505 of the act.

For the purpose of § 36.4223 the wife of a principal obligor shall not be counted unless (1) she is legally liable on the obligation under the law of jurisdiction where she executed it, and (2) if she is a veteran she be properly chargeable with a part or all of the guaranty as provided in § 36.4222.

§ 36.4224 *Veteran's application.* (a) To apply for a guaranteed loan the veteran and the prospective lender shall complete and sign in duplicate Form 1842, Application for Business or Business Realty Loan Guaranty, Form 1842b, if loan does not exceed $5,000, and both that form and Form 1842c, if the loan exceeds $5,000, Supplement to Application for a Business or Business Realty Loan Guaranty (Exhibit A and Exhibit B). Before or after preparing the application, and before submitting it, the lender and the veteran will address a joint inquiry to the regional office or combined facility having jurisdiction of the territory in which the veteran resides whether the proposed borrower is eligible and the amount of his available guaranty. This information will be supplied on Form 1800, Certification of Eligibility. In addition to the necessary identifying information, they will state whether the property to be encumbered is real or personal, or both, the State and county in which it is situated and the nearest highway. The Administrator will reply on said Form 1800 or otherwise, stating the name and address of an approved appraiser of realty, and in the case of personal property, the person or persons to function as such. When the lender is a bank Form 1845, Appraiser's Check Sheet, may be completed by the bank and forwarded with the application to the agency.

(b) Before forwarding the executed application the prospective lender shall procure a credit report on the borrower and an appraisal of the business or real property by the appraiser designated.

(c) In every case involving real property, the appraiser's report shall indicate the basis, by survey or otherwise, of identifying the property appraised as that to be encumbered to secure the proposed loan. Serial numbers, if any, and other identifying data will be included in a report dealing with personal property to a sufficient extent to identify the property appraised as that which is to be encumbered.

(d) If the supplies, equipment, machinery, or tools purchased are new and bought through normal commercial channels, the invoice price will be considered "the reasonable normal value" provided such price does not exceed the published price less any available trade or other discounts, and does not include any amount representing a premium or other charge for immediate possession or delivery. If the articles are "used" an appraiser will be designated by the Administration as provided in paragraph (a) of this section.

(e) If (1) under §§ 36.4200 to 36.4251, inclusive, a mortgage is not required and (2) the lender does not require a mortgage, and (3) the loan otherwise complies with §§ 36.4200 to 36.4251, inclusive, paragraph (c) of this section; paragraph (e) of § 36.4225; paragraphs (a), (d) and (e) of § 36.4230 shall be inapplicable to such loan and any guaranty thereof.

§ 36.4225 *Paper required.* The prospective lender shall submit to the agency the following papers:

(a) Certification of eligibility. (See § 36.4224 (a).)

(b) Loan guaranty certificate. (Form 1841 attached to application.)

(c) Original application for guaranty signed by prospective lender and borrower. (See § 36.4422 (a).)

(d) The credit report. (See § 36.4224 (b) and (d).)

(e) The appraisal report, if required.

(f) Copy of any option agreement, loan agreement or conditional sales agreement used in the transaction.

(g) Proposed loan closing statement of the estimated amounts to be disbursed by the lender for the account of the borrower. (See Form 1861.)

(h) Unless stated in the mortgage, or otherwise in the papers submitted, a statement of the kinds and amounts of insurance to be required to protect the mortgagor, the lender and the Administrator against loss by fire and other hazards, and the estimated premium cost thereof. (See § 36.4215.)

(i) When applicable, the original and copy (both signed) of Form 1862, Application to Amend Loan Guaranty Certificate. (See § 36.4231 (c) and (d).)

§ 36.4226 *Recommendation for approval of guaranty.* The agency shall review the papers to determine whether it will recommend approval of the application for guaranty. Thereupon the agency shall forward all the papers to the appropriate office of the Administrator with recommendation that (a) the Administrator approve the application, or (b) he disapprove it. If disapproval is recommended the reasons therefor shall be stated in writing at the time the papers are forwarded. A recommendation that the application be approved shall be appropriately endorsed on the original of the application.

§ 36.4227 *Administrator's action on application.* (a) Upon receipt of the papers from the agency, the Administra-

tor will determine whether to approve the application. If disapproved he shall return to the proposed lender all papers except the original application for guaranty and the original appraisal report and shall state that the application for guaranty has been denied and the reasons therefor. He shall send a copy of the letter to the veteran and the agency. Upon denial any expenses incurred by the lender or borrower shall be borne by them or either of them as they shall have agreed.

(b) (1) The veteran and the proposed lender, or either, may appeal to the Administrator for review of a denial of the application.

(2) Such appeal may be by letter, or on any prescribed form, and shall be mailed or delivered to central office of the Veterans Administration within one month after receipt of notice of denial.

(c) (1) If for any reason the loan transaction is not concluded and the same or another lender thereafter wishes to consider making a loan on the same security described in the original application, a supplemental application, if the same lender, or a new application if a different lender, may be submitted. If accompanying it is a statement by the borrower and lender that the condition of the security is substantially the same as when the appraisal report was made, the supplemental or new application may be approved without a new appraisal, if the supplemental or new application shall have been received by the Administrator within three months from the date of the appraisal report.

(2) Without reference to the time limit stated in subparagraph (1) of this paragraph (c) a copy of the appraisal report will be supplied without cost to a prospective new lender, or to the original proposed lender at the currently prescribed price for a copy.

§ 36.4228 *Execution and form of guaranty.* (a) If the Administrator approves the application he shall notify the Agency and the veteran thereof. For the purpose of evidencing the contract of guaranty, he shall execute a loan guaranty certificate, to become effective upon the conditions therein stated. It shall be in substantially the form following:

Veterans Administration
Finance Form 1841

UNITED STATES OF AMERICA

LOAN GUARANTY CERTIFICATE ISSUED BY VETERANS ADMINISTRATION

State _____
(Where property is located)

_____
(Lender, exactly as payee's name will appear on note.)

_____
R. F. D. or Street Post Office

_____
County (State)

Number LB _____
(To be filled in by V. A.)

_____
(Borrower-Veteran, exactly as to be signed on note and mortgage.)

_____
R. F. D. or Street Post Office

_____
County (State)

I

A. This certificate shall become effective when the requirements of the statute and regulations have been complied with and the acts certified in part III hereof have been accomplished in compliance with said requirements.

B. When it becomes effective as hereinabove prescribed, this certificate shall obligate the United States of America to pay to the legal holder of the "note" described on the reverse hereof upon his duly filing claim therefor:

1. All or such portion of the maximum amount hereby guaranteed as becomes payable upon the conditions, at the times stated in, and in accordance with the provisions of the Servicemen's Readjustment Act of 1944 (38 U. S. Code 693; 58 Stat. 284), and the regulations issued pursuant thereto which are in effect on the date of this certificate. In no event will the obligation under this certificate exceed $2,000. Subject to the foregoing, this guaranty is for _____ per centum of the principal amount of said "note," but not for more than $_____. In no event will it exceed said percentage of the principal amount.

2. At the expiration of 1 year from the date of the "note," an amount equal to the interest for 1 year at the contract rate on that portion of the indebtedness ("note") originally guaranteed hereby, such payment to be credited on the indebtedness as prescribed by said regulations.

C. Executed on behalf of the United States of America by the Administrator of Veterans' Affairs, through the undersigned authorized agent on this date, to become effective in the manner hereinabove prescribed.

Dated _____

ADMINISTRATOR OF VETERANS' AFFAIRS,

By _____
(Authorized agent

At _____
(Post Office)

NOTE: If loan is not closed, the proposed lender, or when paid, the holder of the note will mark this certificate "Cancelled," sign thereunder, and return to Veterans Administration.

II

Description of Property to be "Mortgaged" (Lot and block, section and township, land lot and Land District etc. and surveyor's field notes where appropriate, and any other language proper to complete description. Include description of personal property, if any. Describe fully: show serial numbers, if available, or any other means of identification.)

Premises identified as _____
(Name of place, if any,

_____
and R. F. D. Also number or name of nearest

_____
highway. Street and number in city, etc.)

_____ _____
(City, Town, Village) (County, Parish)

_____
(State, District, Territory)

III

CERTIFICATION BY BORROWER AND LENDER

A. We hereby warrant that (1) the undersigned borrower names on the reverse hereof executed the note, the face amount of which is $_____ consisting of $_____ principal and $_____ interest, as defined in the regulations; (2) it is dated the _____ day of _____ 19__; (3) borrower(s) and mortgagor(s) delivered it together with the "mortgage" (as defined in the regulations) bearing the same date, and executed to secure payment of said note; (4) said note and mortgage are in the form and type contemplated in the application of the undersigned pursuant to which this loan guaranty certificate was issued; and (5) the principal stated above has been paid to, or according to the directions of, the undersigned borrower(s).

B. The undersigned lender warrants that (1) the same "mortgage," duly executed and witnessed, acknowledged, or proved as required by law, was properly filed, or filed for record, if and as provided by law on the _____ day of _____ 19__, at ____ M; and was given file No. _____ by the Recorder or other proper officials; (2) that it covers the property described on the reverse hereof, which is the same property described, or otherwise identified, or referred to, in the above-mentioned application for guaranty, and in this loan guaranty certificate or in the Application to Amend Loan Guaranty Certificate, if any, applicable to such loan; (3) that no lien superior to said "mortgage" has intervened since the date of said application unless the application indicates it is for a loan to be secured by a second lien as prescribed by the regulations; and (4) if the approved application for guaranty related to a loan wholly or partly to be secured by a hypothecation or a pledge of personal property, such hypothecation or pledge has become effective by appropriate delivery to the lender and no superior lien has intervened since date of application.

(All signatures must be in ink)

(If a corporation)

_____
(Secretary)

Mr.
Mrs.
Miss _____
(Lender(s))

[CORPORATE SEAL]

By _____

_____
Title (President, vice president, etc.)

Mr.
Mrs.
Miss _____

Mr.
Mrs.
Miss _____
(Borrower(s))

NOTE 1. If the note is unsecured, references to "mortgage" in paragraphs "A" and "B" above are inapplicable. (See Regulations, §§ 36.4205 and 36.4208).

NOTE 2. If the local law provides for filing only, not recording, chattel mortgages or similar instruments, paragraph "B" above nevertheless is to be completed. It refers to not only the County Recorder or Clerk, but also to the State Commissioner of Motor Vehicles or other official who keeps motor vehicle mortgage records, and to other similar officials, State or County.

(b) The word principal as used in the Loan Guaranty Certificate and the certification on the reverse thereof means the amount of money actually disbursed to or for the account of the borrower.

§ 36.4229 *Disposition of papers.* The original application for guaranty and the appraisal report will be retained in the files of the Veterans Administration. The Loan Guaranty Certificate and all other papers will be forwarded to the proposed lender with instructions as to closing the loan in a manner to make the guaranty effective.

§ 36.4230 *Loan procedure after approval of guaranty.* Upon receipt of the papers from the Administrator, the lender shall:

(a) Satisfy himself by title certificate as defined in these regulations as to the title to the real estate to be encumbered and satisfy himself in such reasonable manner as may be available as to the title to personal property to be encumbered.

(b) Cause all necessary instruments to be properly signed and those to be filed, or filed and recorded, properly witnessed, acknowledged or proved so as to entitle them to filing or recordation.

(c) Disburse all funds in substantial accord with the proposed loan closing statement submitted with the application. (See § 36.4225.)

(d) File with the proper State, County or other public official, to be retained where required, or recorded and returned, the "mortgage", and any other appropriate instrument which under the law of the State is required or permitted to be filed or recorded for the purpose of establishing a valid lien as between the parties, or third persons, or of giving actual or constructive notice of the "mortgage", pledge, hypothecation, or other transaction.

(e) Take possession or do any other necessary act to make effective the pledge, or hypothecation, if any.

§ 36.4231 *Report of closing loan.* (a) Within two months after closing the loan and filing with the appropriate public official of the proper instruments, or the taking of other appropriate steps, if any, to make the lien effective, the lender shall complete and forward to the Administrator (using prescribed form, if available) a properly signed report of closing the loan stating that:

(1) The disbursement of the amount named in such report as the principal of the note has been completed by the lender which amount may be not more than 3% in excess of the amount of the proposed loan as stated in the original application for guaranty without complying with the procedure stated in paragraphs (c) and (d) of this section.

(2) Such disbursements were as estimated on the loan closing statement submitted with the application, except as otherwise stated on the reverse side of the loan closing statement. (See § 36.4225.)

(3) The note and the mortgage (or other security instrument) were properly executed stating the date, and the latter was duly acknowledged, witnessed, or proved so that it was legally eligible for filing and for recording if appropriate; the date and hour when, and county in which it was properly filed; and the filing number thereof; or in the case of a pledge or hypothecation the necessary possession, or other steps were taken to make same effective.

(4) The note was dated, (stating the date thereon), and signed by the debtor; the actual principal amount thereof, and the rate of interest provided therein.

(5) The Loan Guaranty Certificate (stating its L–number) was completed, and appropriately signed by the lender and the borrower as therein provided.

(b) If lender is a corporation its corporate seal shall be impressed on such report.

(c) If the transaction to be closed is essentially the same as indicated in the original application except that:

(1) The amount of the loan actually to be made is more than 103% of the amount stated in the application, or (2) personal property to be acquired differs from that described but is for the same use or purpose, and substantially similar in kind, quality and value, Form 1862, Application to Amend Loan Guaranty Certificate, will be completed and signed in duplicate.

(d) The lender will forward the original and copy of Form 1862, Application to Amend Loan Guaranty Certificate, to the "Agency", which will recommend approval or disapproval and forward both to the Veterans Administration office which issued the Loan Guaranty Certificate. Such office will determine whether to approve the Application to Amend Loan Guaranty Certificate. Such determination will be based on the original application, the evidence submitted in or with the original application, the application to amend, the recommendation of the agency, and such other evidence, if any, as it considers necessary. Notice of action will be given as in the case of original applications. If approved such approval will be appropriately indicated on the original, and such original, duly executed by the Veterans Administration will be forwarded to the lender. It may be attached to the original Loan Guaranty Certificate to evidence amendment thereof as reflected by such "rider".

§ 36.4233 *When guaranty does not apply.* The guaranty shall not cover any loss sustained by the creditor as the result of:

(a) The acceptance by the mortgagee of a mortgage on any real or personal property, title to which is not merchantable;

(b) Failure of the mortgagee to procure a duly recorded lien of the dignity required by §§ 36.4200 to 36.4251, inclusive; or a lien of such dignity by filing, without recording, if lawful, or by pledge or otherwise as required or permitted by applicable law in the jurisdiction where the property is situated at the time the loan is closed;

(c) Failure of the mortgagee to comply with § 36.4215 with respect to insurance;

(d) A tax sale pursuant to execution, or otherwise as provided by law, occasioned by nonpayment of taxes accruing against the mortgaged property after the date of the mortgage if mortgagee fails to give notice to the Administrator of the delinquent taxes at least one month before such sale;

(e) A release by the creditor of the lien on any of the real or personal property securing the guaranteed loan, or any part thereof unless the Administrator consents in writing. Such consent may be granted if the debt is appropriately reduced or on such other terms as the Administrator may determine: *Provided, however,* That if the land is sought by a public authority for highway or other purposes, consent is hereby given for the creditor to release without consideration or for such consideration as he deems proper and without reference to the Administrator, the creditor's lien on land without any buildings thereon if the land so released does not exceed five percent of the acreage encumbered and does not exceed $200 in value. The same consent is hereby given when the release, easement grant, or other instrument is sought by a public or private agency, or person, for the purpose of pipe line, telephone, telegraph or electric transmission lines: *Provided, however,* That when such releases, or grants by the lender for any one or more of the purposes stated in this paragraph (e), or otherwise, with or without specific consent by the Administrator, shall have decreased the security as much as five percent in acreage, or $200 in value, no further releases shall be executed, without consent of the Administrator. If such are executed without consent the amount of the guaranty will be reduced proportionately in the same manner as if the value of the released property were applied as a credit on the unpaid balance of the loan. The provisions of this paragraph (e) will not be construed to affect the guaranty in the event of any grant of title or easement that leaves unaffected the lien on the property affected thereby; or

(f) Sale by reason of foreclosure of a superior lien if the holder of the guaranteed loan secured by a subordinate lien has knowledge of such foreclosure sale as much as 10 days prior thereto and fails to notify the Administrator of the time and place thereof.

CLAIMS UNDER A GUARANTY

§ 36.4234 *Default.* (a) In the event of default, not cured, continuing; (1) three months on an amortized loan which is secured by a mortgage on real property; (2) one month on an unamortized loan unsecured, secured by real or personal property; (3) two months on an amortized loan which is unsecured or secured by a lien on personal property, the creditor may elect to assert claim under the guaranty, and give notice thereof to the Administrator.

(b) If any default occasioned by failure seasonably to pay to the creditor entitled any amount of principal or interest due him under the contract (not cured) shall have persisted as long as six months on the type of loan described in paragraph (a) (1); or three months on the type described in paragraphs (a) (2) or (a) (3), the holder of the indebtedness shall give notice thereof to the Administrator notwithstanding the failure results from payments on advances as provided in § 36.4218 or from any indulgences of the debtor as provided in §§ 36.4235 or 36.4241.

(c) (1) The notice shall state the loan guaranty number if available. If not available other identifying data shall be included, such as date and amount of original obligation, location of Veterans Administration office that issued the guaranty and the property encumbered.

(2) In all cases the notice shall state the name and last known address of the debtor, of the veteran, and of the creditor, and the date and manner of default, and amount past due. If he desires, the creditor may also state his views as to any indulgence that should be extended.

(3) The notice to the Administrator shall be mailed by registered mail or personally delivered in exchange for a written receipt within one month after the expiration of the periods prescribed in paragraph (b) of this section.

§ 36.4235 *Claim on notice of default.* (a) In the notice of default or separately, then, or later, the creditor may make claim under the guaranty.

(b) Then or thereafter the creditor may also give notice of his intention to foreclose the lien or liens securing the indebtedness.

(c) The Administrator may approve the creditor's request, if any, to postpone action to press his claim against the mortgagor, or the property. Such postponement, with the consent of the Administrator, shall not operate to void or diminish the ultimate liability under the guaranty. Consent is hereby given for the lender to agree to deferring or reducing payments for not more than six months on an amortized note but not beyond a date six months beyond its original maturity, and subject to the same limitation, not beyond 20 years from date of the note. In no event shall indulgence or postponement of action authorized by §§ 36.4200 to 36.4251, inclusive, impair any right of the creditor to thereafter proceed within the applicable statute of limitations period as if there had been no indulgence or postponement.

§ 36.4236 *Legal action.* (a) The creditor shall not begin action in court, or give notice of sale under a power of sale, until the expiration of 30 days after receipt by the Administrator of the notice of intention to foreclose. Notwithstanding paragraph (a) of § 36.4234 such notice may be given at any time after a default.

(b) (1) If the circumstances require immediate action to protect the interest of the creditor or the Administrator, the Administrator may waive the requirement for prior notice if notice of the action taken is immediately given.

(2) Without limiting the foregoing, the existence of conditions justifying the appointment of a receiver for the property shall be sufficient excuse for beginning suit without prior notice to the Administrator if within ten days after commencement of the suit or action, plaintiff gives the Administrator notice thereof.

(c) Subject to the provisions of this paragraph (c) the right to repossess personal property by virtue of law, or any contract, may be exercised without prior notice to the Administrator, but he shall be given notice thereof within ten days thereafter, and he or the debtor may exercise any rights of redemption or other legal rights available under the law of the jurisdiction within 30 days after such notice, or such longer period, if any, as is provided by such law. In any case the debtor or the Administrator shall be entitled to a good title to and possession of such property so repossessed upon compliance with the conditions of any agreement or upon paying or tendering to the person then in possession thereof within 30 days after such notice, the unpaid balance of the debt with interest to date of tender, and a reasonable sum in addition to cover expenses of the repossession.

§ 36.4237 *Notice of suit and subsequent sale.* (a) Within ten days after beginning suit or causing notice of sale without suit to be given, the creditor shall notify the Administrator thereof by registered mail or personal delivery in exchange for written receipt. The notice shall state whether the foreclosure will be by proceeding in court, or under a power of sale; the type and number of the suit, if any, and the name and location of the court in which pending.

(b) The creditor shall give written notice to the Administrator by registered mail (or delivery) of any foreclosure sale, judicial, or under a power of sale; or of any proposed termination of the rights of any vendee or his immediate or remote grantee (assignee) pursuant to any power or option in a sales contract, or in any other instrument affecting the property which constitutes any security for the obligation guaranteed. Such notice shall be given so that it is received at least thirty days before such sale or other proposed action. It shall state the date, hour and place thereof. The Administrator may bid thereat on the same terms as the lender or other bidders, and may exercise any right the debtor could exercise by virtue of the contract, or any statute, or otherwise. This section is applicable whether the suit, or the sale, or termination, occur before or after payment of the guaranty.

§ 36.4238 *Death of veteran or other owner.* (a) In the event the creditor has knowledge of the death of the veteran, or of any owner of an interest in the encumbered property, or the death of any other person liable on the indebtedness which is guaranteed in whole or in part, the creditor shall take such steps, if any, as are legally necessary, and reasonably available, in the jurisdiction where the encumbered property is situated, to avoid loss of the lien, or impairment thereof, or of all or part of the proceeds of any sale of the property as a result of, or incident to, such death, or of any probate proceedings thereby occasioned in said jurisdiction.

(b) In addition to protecting the lien rights as required by paragraph (a) of this section, the creditor at his discretion may proceed in probate, or otherwise, as may be permissible and feasible in any jurisdiction where administration proceedings are pending or properly may be instituted, or other appropriate legal action taken against assets or persons, to assert any rights, by means of any remedies, therein available to a similarly situated creditor of the decedent.

(c) Upon direction of the Administrator and his designation of an accessible attorney for the purpose, and making appropriate provisions for advancing or paying the costs and expenses of the proceeding, the creditor shall proceed as provided in paragraph (b) of this section: *Provided, however,* That in any case the Administrator may, at his option, proceed immediately in respect to protecting the lien, or asserting claim as contemplated by paragraph (b) of this section, or as to both remedies. If the Administrator takes action, it may be in his name or the name of the creditor as the Administrator may elect and as may be appropriate under applicable law. If action is taken by the Administrator he shall seasonably notify the creditor thereof.

(d) Nothing in this section shall impair any right of set-off or other right or remedy of the Administrator.

§ 36.4239 *Death or insolvency of creditor.* (a) Immediately upon the death of the creditor and without the necessity of request or other action by the debtor or the Administrator, all sums then standing as a credit balance in a "trust," or "deposit," or other account to cover taxes, insurance accruals, or other items in connection with the loan secured by the encumbered property, whether stated to be such or otherwise designated, and which have not been credited on the note shall, nevertheless, be treated as a set-off and shall be deemed to have been credited thereon as of the date of the last debit to such account, so that the unpaid balance of the note as of that date will be reduced by the amount of such credit balance: *Provided, however,* That any unpaid taxes, insurance premiums, rents, or advances may be paid by the holder of the indebtedness, at his option, and the amount which otherwise would have been deemed to have been credited on the note reduced accordingly. This section shall be applicable whether the estate of the deceased creditor is solvent or insolvent.

(b) The provisions of paragraph (a) of this section shall also be applicable in the event of:

(1) Insolvency of creditor;

(2) Initiation of any bankruptcy or reorganization, or liquidation proceedings as to the creditor, whether voluntary or involutary;

(3) Appointment of a general or ancillary receiver for the creditor's property; or, in any case

(4) Upon the written request of the debtor if all secured and due insurance premiums, taxes, and ground rents have been paid, and appropriate provisions made for future accruals.

(c) Upon the occurrence of any of the events enumerated in paragraph (a) or (b) of this section interest on the note and on the credit balance of the "deposit" mentioned in paragraph (a) shall be set-off against each other at the rate payable on the principal of the note, as of the date of last debit to the deposit account. Any excess credit of interest shall be treated as a set-off against the unpaid advances, if any, and the unpaid balance of the note.

(d) The provisions of paragraphs (a), (b), and (c) of this section shall apply also to corporations. The dissolution thereof by expiration of charter, by forfeiture, or otherwise shall be treated as in the death of an individual as provided in paragraph (a).

§ 36.4240 *Filing claim under guaranty.* Claim under the guaranty may be made on Form 1864, Claim under the Guaranty. Subject to the limitation that the total amount payable under the guaranty shall in no event exceed the original amount thereof, the amount payable under the guaranty shall be the percentage of the indebtedness originally guaranteed applied to the indebtedness (as defined in § 36.4200 (m)) computed as of the date of the claim, and reduced by any payments theretofore made by the United States pursuant to the guaranty.

§ 36.4241 *Options available to administrator.* Upon receipt of claim under the guaranty or notice of intention to foreclose, the Administrator shall have the following options:

(a) Pay to the creditor not later than one month after receipt of notice of any default, as a partial payment of any actual or potential claim under the guaranty, the amount of principal, interest, taxes, advances or other items in default; and in consideration of such payment the lender shall be deemed to have agreed to refrain from giving effect to any acceleration provisions by reason of defaults prior to the date of notice of default theretofore given: *Provided, however,* That unless the creditor consents, the Administrator may exercise this option once only, and in an amount not exceeding an amount equivalent to the aggregate of principal and interest payable in one year, or not exceeding ten per centum of the original amount of the guaranty, whichever sum is less.

(b) Pay the creditor within one month after receipt of claim the full amount payable under the guaranty without requiring foreclosure, or personal action.

(c) Pay to the creditor promptly after receipt of claim any amount agreed upon, not exceeding the amount due under the guaranty; and notify him to institute appropriate foreclosure proceedings, with, or without, legal action to reduce the debt to judgment, against all or any of the parties liable thereon, and whose names are stated in such notice to the creditor.

(d) If the creditor does not begin appropriate action within two months after receipt of notice to institute action as provided in paragraph (c) above, the Administrator shall be entitled to begin and prosecute the same to completion in the name of the creditor, or of the Administrator on behalf of the United States, as may be appropriate under applicable laws and rules of procedure: *Provided, however,* That in such event the Administrator shall pay (in advance if required under the practice in the jurisdiction) all court costs, and other expenses, and provide the legal services required.

§ 36.4242 *Refinancing and extension of guaranty.* (a) When the Administrator shall have received notice from the creditor that he intends to institute foreclosure proceedings, the Administrator shall be entitled to obtain a refinancing which will prevent the consummation of the foreclosure sale. Nothing herein shall be construed to require a creditor to lend money for such refinancing.

(b) If refinanced in any manner the Administrator may continue in effect the guaranty granted with respect to the previous loan in such manner as to cover the loan which effected the refinancing.

(c) The Administrator in appropriate cases shall be entitled to exercise any redemption rights of a debtor, or a creditor, in connection with the loan guaranteed, or property rights arising out of, or incident to, such loan.

§ 36.4243 *Subrogation.* (a) Any amounts paid to the creditor by the Administrator pursuant to the guaranty shall constitute a debt due to the United States by the veteran on whose application the guaranty was made; and by his estate upon his death. The Administrator is subrogated to the contract and the lien rights of the creditor to the extent of such payments, but junior to the creditor's rights as against the debtor or the encumbered property, until the creditor shall have received the full amount payable under his contract with the debtor. No partial or complete release by the creditor of the debtor or of the lien shall impair any rights of the Administrator, by virtue of the lien, or otherwise.

(b) The creditor, upon request, shall execute, acknowledge and deliver an appropriate instrument tendered him for that purpose, evidencing any payment received from the Administrator and the Administrator's resulting right of subrogation.

§ 36.4244 *Future action against mortgagor.* In addition to the amount, if any, collected from the proceeds of the encumbered property by reason of the right of subrogation, the United States will collect from the veteran, or his estate, by set-off against any amounts otherwise payable to the veteran or his estate; or in any other lawful manner, any sums disbursed by the United States on account of the claim pursuant to the guaranty.

§ 36.4245 *Suit by Administrator.* (a) Whenever pursuant to §§ 36.4200 to 36.4251, inclusive, the Administrator institutes, or causes to be instituted by the creditor, or otherwise, any suit in equity; action at law; or probate proceedings or the filing of a claim in such; or other legal or equitable proceedings of any character, or any sale, in court or pursuant to any power of sale, the person or persons promptly instituting the same (including the Administrator) shall be entitled to recoup from any proceeds realized therefrom any expenses reasonably incurred, including trustee fees, court costs, and attorney fee paid (or the reasonable value of the services of the trustee and of the attorney, if performed by salaried person or persons, or by the party himself, when proper).

(b) The net proceeds, after setting off such items that may properly be recouped, shall be credited to the indebtedness, or otherwise as may be proper under the facts.

(c) In determining the propriety of recoupment and the amount thereof consideration shall be given to any provisions in the note or mortgage relating to such items, and any amounts actually realized pursuant thereto.

§ 36.4246 *Creditor's records and reports required.* (a) The creditor shall maintain a record of the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof. Any creditor who fails to maintain such record shall be presumed to have received on the dates due all sums which by the terms of the contract are payable prior to date of claim for default, and the burden of going forward with evidence and of ultimate proof of the contrary shall be on such creditor; not on the debtor, or the United States.

(b) On any delinquent loan the creditor shall report annually on the anniversary of the earliest unremedied default any amount received or disbursed the unpaid balance of principal and accrued interest and any other items chargeable; and the nature of any defaults not already reported. He shall include such additional information, if reasonably necessary and obtainable, which may from time to time be requested by the Administrator.

(c) A proposed lender may be required to submit evidence satisfactory to the Administrator of his equipment for maintenance of adequate records on, and his ability to service, loans if guaranteed pursuant to the provisions of the act and §§ 36.4200 to 36.4251, inclusive.

§ 36.4247 *Failure to supply information.* Failure to supply any available information required by §§ 36.4200 to 36.4251, inclusive, within two months after request therefor will entitle the Administrator to obtain such information otherwise, and the expense of so obtaining it, plus ten dollars to cover estimated overhead expenses, shall be chargeable to the creditor who failed to comply with such request.

§ 36.4248 *Notice to Administrator.* Any notice required by §§ 36.4200 to 36.4251, inclusive, to be given the Administrator shall be sufficient if in writing, and delivered at, or mailed to, the Veterans Administration office at which the application for guaranty was approved or to any changed address of which the creditor has been given notice or, at the option of the creditor, to the central office of the Veterans Administration, Washington 25, D. C. If mailed the notice shall be by registered mail when so provided by §§ 36.4200 to 36.4251, inclusive.

§ 36.4249 *Right to inspect books.* The Administrator has the right to inspect, at

a reasonable time and place the papers and records pertaining to the loan and guaranty. If permission to inspect is declined the Administrator may enforce the right by subpoena under the provisions of Title III of Public No. 844, 74th Congress, 49 Stat. 2031–35, 38 U.S.C. 131, or in any other lawful manner.

§ 36.4250 *Forms, construction to be placed on reference to.* All references in §§ 36.4200 to 36.4251, inclusive, to Form 1800, Certification of Eligibility, or to other form numbers shall be construed to include any revision of the same forms, identified by the same, or by different numbers.

§ 36.4251 *Disqualified lenders and bidders.* Except under unusual circumstances and upon prior approval by the Administrator an application for guaranty of a loan will not be approved if the lender is known to be an employee of the Veterans Administration or of the Agency; and without such approval, an employee of either may not bid at a foreclosure sale of the security for a guaranteed loan.

[SEAL] FRANK T. HINES,
Administrator of Veterans' Affairs.

DECEMBER 20, 1944.

[F. R. Doc. 44–19317; Filed, Dec. 21, 1944; 3:58 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

GILA PROJECT, ARIZ.

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES FOR LANDS IN PRIVATE OWNERSHIP AND FOR LEASED PUBLIC LANDS

DECEMBER 15, 1944.

1. *Water rental.* To the extent that water may be available from Government canals without additional construction, irrigation water will be furnished upon a rental basis under approved applications for temporary water service during the calendar year 1945 and thereafter until further notice to lands in private ownership and to leased public lands within the Gila Project, Arizona.

2. *Charges and terms of payment.* Water rental charges shall be payable in advance of the delivery of water at rates hereinafter specified:

(a) For privately owned lands and for leased public lands on the Yuma Mesa under Pumping Plant Number One (1), a minimum charge of $4.50 per acre will be made, the charge to entitle the purchaser to 6 acre-feet of water. A charge of $1.00 per acre-foot will be made for all water ordered in addition to 6 acre-feet per acre.

(b) For privately owned lands and for leased public lands in the North and South Gila Valleys to be irrigated under the Gila Gravity Main Canal, a minimum charge of $3.00 per acre will be made, the charge to entitle the purchaser to 4 acre-feet of water. A charge of $0.75 per acre-foot will be made for all water ordered in addition to 4 acre-feet per acre.

3. Applications for temporary water service may be made by the landowner or by anyone who presents evidence satisfactory to the Construction Engineer of the Gila project that he is the renter or lessee of the land for which water is requested, or that he has been authorized by the owner to make a water rental application for such land.

4. Applications for temporary water service and payment of water rental charges shall be made at the office of the Construction Engineer, Bureau of Reclamation, Post Office Building, Yuma, Arizona.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

[SEAL] H. W. BASHORE,
Commissioner.

[F. R. Doc. 44–19321; Filed, Dec. 22, 1944; 9:42 a. m.]

Office of Indian Affairs.

LANDS ACQUIRED FOR THE BENEFIT OF CHOCTAW INDIANS IN MISSISSIPPI

PROCLAMATION

Whereas, prior to June 18, 1934, and pursuant to authority of and with funds made available by the act of May 25, 1918 (40 Stat. 573), and several subsequent similar acts, approximately 3,550 acres of lands in Mississippi were purchased for the use and benefit of Choctaw Indians of that State;

And whereas, the act of June 21, 1939 (53 Stat. 851) provides:

That title to all lands purchased by the United States for the benefit of the Choctaw Indians of Mississipi, under authority contained in the Act of May 25, 1918 (40 Stat. L., 573), and similar subsequent Acts, not under contract for resale to Choctaw Indians, or on which existing contracts of resale may hereafter be canceled, is hereby declared to be in the United States in trust for such Choctaw Indians of one-half or more Indian blood, resident in Mississippi, as shall be designated by the Secretary of the Interior.

And whereas, on March 30, 1935, the Choctaw Indians resident in Mississippi, of one-half or more Indian blood, pursuant to section 19 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) voted to accept the provisions of that act, and subsequently pursuant to Section 5 of said act, approximately 11,600 acres of additional land in Mississippi have been acquired for the use and benefit of the Choctaw Indians of one-half or more Indian blood, resident in that State, the title having been taken in the name of the United States in trust for said Choctaw Indians;

And whereas, none of the previously acquired lands for the benefit of the aforesaid Choctaw Indians is now covered by any outstanding contract or contracts for the resale of any part thereof to any Choctaw or other Indian;

Now therefore, by virtue of the authority contained in the act of June 21, 1939, and in section 7 of the act of June 18, 1934, I hereby declare that the lands in Mississippi acquired by the United States prior to June 18, 1934, for the benefit of the Choctaw Indians of that State are now held in trust by the United States for the benefit of those Choctaw Indians of one-half or more Indian blood resident in that State on January 1, 1940, as shown by the census rolls of the Choctaw Indian Agency, Mississippi, and such other Choctaw Indians of one-half or more Indian blood, resident in Mississippi, as the recognized tribal authorities of the Mississippi Band of Choctaw Indians, with the approval of the Secretary of the Interior, find to be entitled to membership therein; and I hereby further declare that the approximately 11,600 acres of additional land in Mississippi, acquired since June 18, 1934, for the benefit of the Choctaw Indians of that State are hereby added to the land previously acquired and such lands are hereby declared to be an Indian reservation for the benefit of those members of the Mississippi Band of Choctaw Indians, of one-half or more Indian blood, resident in Mississippi and enrolled at the Choctaw Indian Agency as aforesaid.

For convenient identification a legal description of the areas of land acquired for the benefit of the Choctaw Indians and covered hereby, is hereto appended as Exhibit A which is made a part hereof to the same extent as though set forth in full herein.

Done at the City of Washington, District of Columbia, this 4th day of December, 1944.

OSCAR L. CHAPMAN,
Assistant Secretary.

EXHIBIT A—LANDS ACQUIRED FOR THE BENEFIT OF THE CHOCTAW INDIANS IN MISSISSIPPI

Lands Acquired Prior to 1934

Attala County—Choctaw Meridian

	Area (acres)
T. 13 N., R. 7 E.:	
Beginning 26 chains and 50 links due south of the NE corner of Sec. 3 which corner is evidenced by a Sweet Gum 12 I.D. N. 2 degrees E. 25 links; and a Post Oak 20 I.D. S. 36 degrees W. 66 links on Section line between sections 2 and 3, T. 13, R. 7 E., and running thence due west 3 chains and 31 links to NW corner of this block which is evidenced by a pine 12 I.D. S. 67 degrees East and Ash 12 I.D. S. 7 degrees, East 38 links. Thence due south 26 chains and 50 links to SW corner of said block, which is evidenced by a Cherry 4 I.D. S. 39 degrees, East 22 links, and a Red Elm S. 77 degrees, East 24 links, both being on West bank of ditch. Thence due east 15 chains and 11 links to SE corner of said block, which is evidenced by a Red Elm 12 I.D. N. 13 degrees, West 8 links, and a Sweet Gum 12 I.D. due North 12 links, thence due north 26 chains and 50 links, to NE corner of said block, which is evidenced by a Sweet Gum 6 I.D. S. 69 degrees, East 3 links, on East side of ditch and a Sweet Gum 4 I.D. S. 45 degrees West 12 links, making the corner in the center	

EXHIBIT A—LANDS ACQUIRED FOR THE BENEFIT OF THE CHOCTAW INDIANS IN MISSISSIPPI—Continued

Lands Acquired Prior to 1934—Continued

Attala County—Choctaw Meridian—Con.

	Area (acres)
T. 13 N., R. 7 E.—Continued.	
ditch. Thence due West 11 chains and 80 links to point of beginning. Containing by survey 40 acres. $31\frac{27}{100}$ acres being partly in W½NW¼ and partly in W½SW¼ of Sec. 2 and $8\frac{73}{100}$ acres partly in NE¼ corner of E½SE¼ and E½NE¼ of Sec. 3. All bearings by Choctaw Cession of 1830	40

Jones County—St. Stephens Meridian

	Area (acres)
T. 9 N., R. 10 E.:	
Sec. 4, SW¼NW¼, and that part of NE¼SW¼ which lies north of the old Shubuta and Ellisville Road	50
Sec. 5, SE¼NE¼	40
T. 10 N., R. 10 E.:	
Sec. 34, NE¼NE¼, N½NE¼NW¼, W½NW¼NW¼, NE¼NW¼NW¼, S½NW¼, N½NE¼SW¼, S½SW¼NE¼, N½NW¼SE¼	230
	320

Leake County—Choctaw Meridian

	Area (acres)
T. 9 N., R. 8 E.:	
Sec. 2, NE¼SW¼, W½NW¼, SE¼NW¼ less 10¼ acres off the NE part thereof	149¾
T. 10 N., R. 8 E.:	
Sec. 26, S½NW¼SE¼, E½SW¼, 5 acres off the east end of S½NW¼SW¼	105
Sec. 34, S½SE¼ less 14 acres on the East side, NW¼NE¼, N½SE¼	186
Sec. 35, NE¼SW¼	40
T. 11 N., R. 7 E.:	
Sec. 23, SW¼NE¼ less 10 acres in SW corner, one acre in NE corner of NW¼SE¼ and 1 acre in NW corner of NE¼SE¼	32
Sec. 26, W½SW¼SW¼, NW¼NW¼, N½NE¼	140
Sec. 27, NE¼NE¼, E½SE¼	120
Sec. 35, SW¼SE¼, S½NW¼SE¼ less 2 acres on east side, E½NE¼, NW¼NE¼, NE¼SE¼ less 10 acres on east side	208
Sec. 36, W½NW¼NW¼, SW¼NW¼	60
	1,040¾

Neshoba County—Choctaw Meridian

	Area (acres)
T. 10 N., R. 11 E.:	
Sec. 5, S½NE¼	80
Sec. 6, NW¼SE¼ less 1 acre in NE corner	89
T. 10 N., R. 12 E.:	
Sec. 17, SE¼SE¼	40
Sec. 20, N½NE¼, SE¼NE¼	120
T. 11 N., R. 10 E.:	
Sec. 23, SE¼SE¼	40
Sec. 24, W½W½SW¼	40
Sec. 25, SW¼SE¼, NW¼NW¼, SE¼SW¼, W½SW¼, 12 acres off south end of NW¼SW¼	172
Sec. 27, W½SW¼	80
Sec. 36, N½NE¼NE¼, E 60 acres of E½NW¼, N 2 acres of S½NE¼NE¼	82
T. 11 N., R. 11 E.:	
Sec. 19, SE¼SE¼, SW¼SE¼, E½E½NW¼, S½SE¼SW¼, W½NW¼SE¼	160
Sec. 30, NE¼	160
Sec. 31, N½NW¼	80

EXHIBIT A—LANDS ACQUIRED FOR THE BENEFIT OF THE CHOCTAW INDIANS IN MISSISSIPPI—Continued

Lands Acquired Prior to 1934—Continued

Neshoba County—Choctaw Meridian—Con.

	Area (acres)
T. 11 N., R. 13 E.:	
Sec. 1, NE¼SW¼	40
Sec. 2, E½NW¼, W½NE¼	160
Beginning at NE corner of Sec. 2 running South 740 yards, thence west 75 yards, thence north 43 yards, thence west 365 yards, thence north 697 yards to north line of Sec. 2, thence east 440 yards to place of beginning	68.9
T. 12 N., R. 13 E.:	
Sec. 35, S½SE¼	80
Sec. 36, W½SE¼ less 4 acres in SE corner	76
	1,512.9

Newton County—Choctaw Meridian

	Area (acres)
T. 7 N., R. 10 E.:	
Sec. 2, W½NW¼, N½SW¼	160
Sec. 3, NE¼, N½SE¼, SE¼SW¼	280
Sec. 10, NW¼NW¼ less 10 acres off south side	30
Sec. 11, NE¼SW¼	40
Sec. 14, S½SW¼	80
Sec. 15, S½SE¼NW¼, N½SW¼, SW¼NW¼ less 5 acres in NE corner, 2 acres in NE corner of SE¼SW¼	137
Sec. 23, NE¼NW¼	40
	767

Land Acquired Subsequent to 1934

Kemper County—Choctaw Meridian

	Area (acres)
T. 11 N., R. 14 E.:	
Sec. 7, W½SW¼	80
Sec. 18, strip 1 acre wide and 3 acres long in NW corner NW¼NW¼	3
T. 11 N., R. 16 E.:	
Sec. 7, N½SE¼, NE¼SW¼, N½SE¼SW¼	140
	223

Leake County—Choctaw Meridian

	Area (acres)
T. 11 N., R. 7 E.:	
Sec. 23, S½SE¼ lying east of Carthage-Kosciusko Highway, containing 15 acres more or less; N½SE¼ less 1 acre in SW corner thereof, less about 2 acres beginning at NE corner of NW¼SE¼; thence west 25 yards; thence south 97 yards; thence east 100 yards; thence north 97 yards; thence west 75 yards to point of beginning; SW¼SW¼NE¼; 4 acres in NE corner of NE¼SW¼	106
S½SE¼ lying west of Carthage-Kosciusko Federal Highway, about 65 acres more or less, and 1 acre in SW corner of NW¼SE¼	66
Sec. 35, All that part of NW¼SE¼ which lies east of old Thomastown Road, 10 acres more or less, and tract of 15 acres more or less, situated in NW corner of NW¼SE¼, described as beginning at NW corner of said NW¼SE¼ and run south 220 yards, thence east to old Thomastown Road, thence in NW course along said road to the north line of said NW¼SE¼, thence west to point of beginning	25
Sec. 36, W½SW¼SE¼	20

EXHIBIT A—LANDS ACQUIRED FOR THE BENEFIT OF THE CHOCTAW INDIANS IN MISSISSIPPI—Continued

Land Acquired Subsequent to 1934—Con.

Leake County—Choctaw Meridian—Con.

	Area (acres)
T. 10 N., R. 8 E.:	
Sec. 26, SW¼SE¼, SE¼SE¼ less 2 acres in NE corner, 12 acres in S½ and across south end of SW¼SW¼	90
Sec. 27, SW¼SE¼	40
Sec. 35, E½NW¼NW¼, NE¼NW¼ less 5 acres on east side, E½NE¼SE¼	75
Sec. 36, NW¼SW¼, less 3 acres across south side of the big ditch	37
T. 11 N., R. 8 E.:	
Sec. 30, about 3 acres in SW corner of SE¼SW¼	3
Sec. 31, E½NW¼, W½NE¼, NW¼SE¼ less a strip 40 ft. wide on south side; W½SW¼SE¼	219
	681

Neshoba County—Choctaw Meridian

	Area (acres)
T. 10 N., R. 11 E.:	
Sec. 6, NE¼SE¼	40
T. 10 N., R. 12 E.:	
Sec. 9, SE¼SE¼	40
Sec. 14, NW¼SW¼	40
Sec. 15, N½NW¼, SE¼NW¼, SW¼ less 3 acre Baptist Church site in NE corner; and 3.7 acres in SE corner	280.7
Sec. 20, NE¼NW¼, SW¼NE¼, N½NW¼SE¼ less 2 acres in NW corner of NE¼NW¼	98
Sec. 21, NE¼, N½SW¼, NW¼SE¼	280
Sec. 22, NW¼NW¼, NE¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼	110
Sec. 23, W½SE¼	80
T. 11 N., R. 10 E.:	
Sec. 1, all south of Pearl River	108
Sec. 2, all south of Pearl River	142
Sec. 3, all south of Pearl River	101
Sec. 4, all that part of SE¼SE¼ south of Pearl River	35
Sec. 8, all section 8 east of Pearl River	269
Sec. 9, NW¼, S½SW¼, NW¼SW¼, E½NE¼, SW¼NE¼, S½NW¼NE¼, W½SE¼	500
Sec. 10, all	640
Sec. 11, N½N½, SW¼NE¼, N½SE¼NE¼, SW¼NW¼, less 2 acres in SW corner and 22 acres in NE corner of NW¼SW¼	282
Sec. 12, E½, NW¼, S½SW¼	560
Sec. 13, W½, SE¼SE¼, N½S½NE¼, N½NE¼, W½SE¼	560
Sec. 14, SW¼SW¼, E½NE¼, SW¼NW¼, S½NE¼SW¼, NW¼SW¼, SE¼SW¼, SE¼	420
Sec. 15, SE¼SE¼, NE¼, E½NW¼	280
Sec. 17, NE¼NE¼	40
Sec. 18, SE¼SW¼, S½SW¼, SE¼	60
Sec. 19, E½NW¼	80
Sec. 21, E½NE¼, E½W½NE¼, E½SE¼	200
Sec. 22, N½, SE¼, E½SW¼, SW¼SW¼, 15 acres off south side of NW¼SW¼, N½SW¼, SW¼	635
Sec. 23, W½W½, SE¼SW¼	200
Sec. 24, E½, E½W½, E½W½ SW¼	520
Sec. 25, SE¼NE¼ less 3 acres in SW corner, 1 acre in NE corner NE¼SE¼	38

EXHIBIT A—LANDS ACQUIRED FOR THE BENEFIT OF THE CHOCTAW INDIANS IN MISSISSIPPI—Continued

Land Acquired Subsequent to 1934—Con.

Neshoba County—Choctaw Meridian—Con.

	Area (acres)
T. 11 N., R. 10 E.—Continued	
Sec. 26, NE¼NW¼, NW¼NE¼ less 10 acres across east side	70
Sec. 27, all land north of Philadelphia & Edinburg Highway in NE¼NW¼, N½NW¼NW¼, 2 acres more or less in NW corner of S½NW¼NW¼, NE¼NE¼, that part of NW¼NE¼ north of highway 16	85
Sec. 28, E½NE¼, W½NW¼ less 3 acres in NW corner & less 8 acres in SW corner and E½NW¼	229
Sec. 36, W½W½SE¼NW¼, S½SW¼NW¼, S½N½SW¼NW¼, W½NE¼, SE¼NE¼, south 18 acres of NE¼NE¼, W½SE¼, SE¼SW¼, S½NE¼SW¼	318
T. 11 N., R. 11 E.:	
Sec. 19, NE¼SE¼, E½NW¼SE¼, W½SW¼, NE¼SW¼, N½SE¼SW¼, W½W½NW¼, E½SW¼NE¼	260
Sec. 30, W½W½NW¼, 1 acre in NW corner NW¼SW¼, SE¼NW¼, E½SW¼NW¼, 2 acres starting in NW corner of E½NW¼SW¼, E½SW¼SW¼, SE¼SW¼, NE¼NW¼, E½NW¼NW¼	223
Sec. 31, S½NW¼	80
T. 11 N., R. 13 E.:	
Sec. 1, NW¼NE¼, west 6 acres of NE¼NE¼, north 6 acres of SW¼NE¼	52
Sec. 2, W½NW¼, NW¼SE¼, NE¼SW¼	160
Sec. 3, NE¼	160
T. 12 N., R. 13 E.:	
Sec. 35, S½NE¼, N½SE¼, E½SW¼	240
Sec. 36, SW¼NE¼, W½SW¼, NE¼SW¼, SW¼NW¼, 4 acres in a square in the SE corner of SW¼SE¼	204
	8,719.7

Newton County—Choctaw Meridian

T. 7 N., R. 10 E.:	
Sec. 3, NE¼SW¼, S½SE¼	120
Sec. 4, SW¼SE¼, N½NW¼	120
Sec. 5, NE¼NE¼	40
Sec. 8, NW¼, N½NE¼SW¼ less 2 acres, SE¼SW¼, S½NE¼SW¼ less 2 acres	236
Sec. 9, NE¼NE¼	40
Sec. 10, W½NE¼ and 6 acres off north side of NW¼SE¼ and NW¼ less 30 acres off north side of NW¼NW¼, NE¼NE¼	256
Sec. 14, NW¼NW¼, S½NW¼, N½SW¼	200
Sec. 15, SW¼NE¼, NE¼NW¼ less 1 acre in NE corner	79
Sec. 20, E½SW¼, NW¼SW¼, W½SE¼, SE¼SE¼ less 1 acre in NE corner thereof, S½NE¼, SE¼NW¼, S½NW¼NE¼, S½NE¼NW¼, SE¼NW¼NW¼	409
Sec. 21, N½SE¼	80
Sec. 22, E½NW¼	80

EXHIBIT A—LANDS ACQUIRED FOR THE BENEFIT OF THE CHOCTAW INDIANS IN MISSISSIPPI—Continued

Land Acquired Subsequent to 1934—Con.

Newton County—Choctaw Meridian—Con.

	Area (acres)
T. 7 N., R. 10 E.—Continued	
Beginning at a point on the east line of NE¼SW¼ of Sec. 9, said point being 5 chains north of the SE corner of said NE¼SW¼, and run thence south to the SE corner of SE¼SW¼ of said sec. 9, thence west to the SW corner of SW¼ SW¼ of said sec. 9, thence south along the east line of NE¼NE¼ of sec. 17, 5 chains and 33 links, thence west and parallel with the north line of said NE¼NE¼ of said sec. 17, 5 chains and 33 links, thence north 23 chains to the intersection of Box Creek as same presently runs, thence in an easterly direction along the center of Box Creek as same presently runs to a point where Box Mill Branch joins said Box Mill Creek, as same now runs, thence in an easterly direction along the center of Box Mill Branch as same now runs to the east line of NE¼SE¼ of sec. 8, thence north along the east line of said NE¼SE¼ of said sec. 8, to a point due west of a point in the center of the lake and Philadelphia Public Road as same now runs, said point being 5 chains north of the intersection of the center of Box Mill Branch as same now runs and the center of Lake and Philadelphia Public Road as same now runs, thence east to a point in the center of the Lake and Philadelphia Road as same now runs, said point being 5 chains north of the intersection of the center of Box Mill Branch as same now runs and the center of the Lake and Philadelphia Public Road as same now runs, thence south along the center of the Lake and Philadelphia Public Road as same now runs 5 chains to the intersection of the center of said Lake and Philadelphia Public Road with the center of Box Mill Branch as same now runs, thence easterly along the center of Box Mill Branch as same now runs to a point due west of point of beginning, thence east to point of beginning, and being wholly within and a part of SW¼ of sec. 9, NE¼NE¼ of sec. 17, and SE¼ of sec. 8.	
T. 8 N., R. 10 E.:	
Sec. 32, SE¼SE¼	
Sec. 33, SW¼ less and except that part lying and being north of Canal.	
Total	1,983

Scott County—Choctaw Meridian

T. 8 N., R. 9 E.:	
Sec. 34, S½SE¼NW¼	20
T. 11 N., R. 7 E.:	
Sec. 22, NW¼NE¼NE¼	10
Sec. 23, SW¼NW¼, NW¼SW¼	80
	110

[F. R. Doc. 44-19063; Filed, Dec. 15, 1944; 3:38 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890)

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Baumel Dress Company, Willow and Grant Streets, Olyphant, Pennsylvania; ladies' and children's dresses; 5 learners (T); effective December 18, 1944, expiring December 17, 1945.

Ely & Walker Dry Goods Company, Robe & Neckwear Factory, 16th and Locust Streets, St. Louis, Missouri; men's and boys' neckwear, men's lounging robes; 5 learners (T); effective December 15, 1944, expiring December 14, 1945.

Freeburg Manufacturing Company, Freeburg, Illinois; dresses; 25 learners (AT); effective December 15, 1944, expiring June 14, 1945.

J. Grinchuk Company, Main Street, Braidwood, Illinois; boys' and children's longies; 10 percent (T); effective December 20, 1944, expiring December 19, 1945.

The Liberty Frock Company, Inc., 205 East 22nd Street, Kansas City, Missouri; women's cotton dresses; 10 percent (T); effective December 18, 1944, expiring December 17, 1945.

S. Liebovitz and Sons, Inc., Pine, Oak and Hemlock, Hazleton, Pennsylvania; government herringbone twill jackets, men's cotton dress shirts; 10 percent (T); effective December 15, 1944, expiring December 14, 1945.

Madison Dress Company, Wyoming and Green Streets, Feeley Building, Hazelton, Pennsylvania; ladies' and children's dresses; 10 learners (T); effective December 15, 1944, expiring December 14, 1945.

Majestic Manufacturing Company, Inc., 192 Cain Street, NW., Atlanta, Georgia; ladies' cotton and rayon dresses; 10 percent (T); effective December 15, 1944, expiring December 14, 1945.

Pinckneyville Manufacturing Company, First and South Streets, Pinckneyville, Illinois; dresses; 10 percent (T); effective December 15, 1944, expiring December 14, 1945.

Simplicity Frocks, Inc., Kincaid, Illinois; women's and misses' dresses; 50 learners (E); effective December 14, 1944, expiring June 13, 1945.

Glove Industry

Newton Glove Manufacturing Company, Newton, North Carolina; cotton work gloves; 10 percent (AT); effective December 15, 1944, expiring June 14, 1945.

Hosiery Industry

Baker-Mebane Hosiery Mills, Inc., Highway 103, Mebane, North Carolina; seamless hosiery; 10 percent (AT); effective December 15, 1944, expiring June 14, 1945.

Hand Knit Hosiery Company, Sheboygan, Wisconsin; seamless hosiery; 5 percent (T); effective December 20, 1944, expiring December 19, 1945.

Telephone Industry

Amery Electric Company, Amery, Wisconsin; to employ learners as commercial switchboard operators at its Amery exchange, located at Amery, Wisconsin; effective December 19, 1944, expiring December 18, 1945.

Mt. Pulaski Telephone and Electric Company, Mt. Pulaski, Illinois; to employ learners as commercial switchboard operators at its Mt. Pulaski exchange, located at Mt. Pulaski, Illinois; effective December 15, 1944, expiring December 14, 1945.

St. James Telephone Company, St. James, Missouri; to employ learners as commercial switchboard operators at its St. James exchange, located at St. James, Missouri; effective December 15, 1944, expiring December 14, 1945.

Textile Industry

Columbia Manufacturing Company, Ramseur, North Carolina; cotton unbleached sheeting; 3 percent (T); effective December 18, 1944, expiring December 17, 1945.

Union Manufacturing Company, Union Point, Georgia; cotton yarns; 8 learners (AT); effective December 15, 1944, expiring June 14, 1945.

Signed at New York, New York, this 19th day of December 1944.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 44-19311; Filed, Dec. 21, 1944; 2:55 p. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 746]

RECONSIGNMENT OF CAULIFLOWER AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at St. Louis, Missouri, December 19, 1944, by Yeckes Eichenbaum, Inc., of car MDT 17555, cauliflower, now on the Missouri-Kansas-Texas Railroad Company, to Yeckes Eichenbaum, Inc., Chicago, Illinois.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of December 1944.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 44-19326; Filed, Dec. 22, 1944; 10:48 a. m.]

[S. O. 70-A, Special Permit 748]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, December 19, 1944, by National Produce Company of car FGE 52419, potatoes, now on the Wood Street Terminal, to Canton Wholesale Produce Company, Canton, Illinois (Alton-TP&W).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of December 1944.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 44-19327; Filed, Dec. 22, 1944; 10:48 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Amdt. 66 to Order A-1]

CLAY BUILDING BRICK

MODIFICATION OF MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (49) is added to Order A-1 to read as follows:

(49) *Modification of maximum prices for clay building brick (common and face, except ceramic glazed).* (i) The manufacturers' maximum prices established pursuant to Maximum Price Regulation 188, as amended, for clay building brick (common and face, except ceramic glazed), manufactured in the States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island, may be increased by adding an amount not in excess of $3.75 per thousand for standard size brick to the f. o. b. plant prices or delivered prices. If a manufacturer had an established differential in price during the month of March 1942 for non-standard sizes of clay building brick (common and face, except ceramic glazed), he may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formula in use by him during March 1942 in establishing a price differential between the standard size brick and the non-standard size brick under this adjustment.

(ii) Any reseller purchasing clay building brick (common and face, except ceramic glazed) for resale from any manufacturer who has adjusted his maximum prices in accordance with subdivision (i), above, may increase his maximum prices, established under the General Maximum Price Regulation, by a dollar-and-cents amount not exceeding his actual dollars-and-cents increase in cost resulting from the increase permitted in subdivision (i) above.

(iii) The maximum prices established herein shall be subject to cash, quantity, and other discounts, transportation allowances, services, and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

(iv) Any price adjustments granted prior to December 26, 1944, by the Price Administrator or any Regional Administrator for any seller of brick covered by the provisions set forth above, and particularly Order G-31 under Maximum Price Regulation 188, issued by the Boston Regional Office on October 20, 1943, which permitted an increase in an amount not in excess of $2.00 per M in the maximum prices of common sand-struck brick for any manufacturer in New England, are hereby revoked.

This amendment No. 66 shall become effective December 26, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-19345; Filed, Dec. 22, 1944; 11:41 a. m.]

[MPR 188, Amdt. 1 to Order 1509]

Sofa Beds in Upholstery Fabrics

Adjustment of Maximum Price

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with § 1499.-159b of Maximum Price Regulation No. 188, *It is ordered:*

Order No. 1509 under Maximum Price Regulation No. 188 is amended in the following respects:

1. Paragraph (h) is amended by adding a paragraph at the end thereof to read as follows:

For a sofa bed in upholstery fabric furnished by the customer, the maximum price shall be the same as for the sofa bed in fabric costing over 20¢ to 25¢ per yard.

2. Paragraph (k) is amended by adding a paragraph at the end thereof to read as follows:

For a sofa bed in upholstery fabric furnished by the customer, the maximum price shall be the same as for the sofa bed in fabric costing over 20¢ to 25¢ per yard.

3. Paragraph (l) is amended by adding subparagraphs 5 and 6 to read as follows:

5. For innerspring type construction with no sag or zigger wire base, or equivalent.
Minimum specifications:
Innerspring unit:
90 coils in seat, 72 coils in back or equivalent.
Hinged or two piece.
Minimum steel weight 18 pounds.
Base—18 strands for seat and back.

6. For innerspring type construction with band and helical base.
Minimum specifications:
Innerspring unit:
90 coils in seat, 72 coils in back, or equivalent.
Hinged or two piece.
Minimum steel weight 18 pounds.
Base—Bands ⅝" x .020, helicals 1 end.

4. Paragraph (n) is amended by adding a paragraph at the end thereof to read as follows:

For a studio couch in upholstery fabric furnished by the customer the maximum price shall be the same as for the studio couch in fabric costing over 20¢ to 25¢ per yard.

5. Subparagraph (o) (3) is amended to read as follows:

(3) For upholstery fabric on top deck of base section:
Fabrics up to 45¢ per yd. 54"- No extra charge
Fabrics over 45¢ to $1.05 per yd. 54"--- $0. 50
Fabrics over $1.05 per yd. 54"-------- 1. 00

This amendment shall become effective on the 23d day of December 1944.

Issued this 22d day of December 1944.

Chester Bowles,
Administrator.

[F. R. Doc. 44-19344; Filed, Dec. 22, 1944; 11:41 a. m.]

[MPR 260, Order 131]

T. E. Brooks & Co.

Authorization of Maximum Prices

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) T. E. Brooks & Co., 31 Pine Street, Red Lion, Penna. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Tebson	Diplomats	50	$48	6
Canadian Club	Standard	50	48	6
Radford	Corona	50	56	7
Harmony	Invincibles	50	56	7
Club King	Cabinet	50	64	8

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

Chester Bowles,
Administrator.

[F. R. Doc. 44-19347; Filed, Dec. 22, 1944; 11:47 a. m.]

[MPR 260, Order 132]

Flores Cigar Factory

Authorization of Maximum Prices

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102(b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) Flores Cigar Factory, 1318½ 9th Avenue, Tampa 5, Florida (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Coronas	Extra Corona	50	$60	2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size

or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesalers in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-19348; Filed, Dec. 22, 1944; 11:47 a. m.]

[MPR 260, Order ~~135~~ 133]

SAMPSON CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Sampson Cigar Factory, 1948 St. Joseph Street, Tampa 7, Florida (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
El Matrimonio	De Luxe	50	*Per M* $60	*Cents* {2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-19349; Filed, Dec. 22, 1944; 11:47 a. m.]

[MPR 260, Order 134]

QUINCY CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Quincy Cigar Company, North Madison Street, Quincy, Florida (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Te Gusta	Perfecto	50	*Per M* $72	*Cents* 9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-19350; Filed, Dec. 22, 1944; 11:47 a. m.]

[MPR 260, Order 135]

HARRY F. FAKE

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Harry F. Fake, South Main St., Red Lion, Pa. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Commoner	Invincible	50	$48	6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-19351; Filed, Dec. 22, 1944; 11:46 a. m.]

[MPR 260, Order 136]

J. C. WINTER & CO., INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) J. C. Winter and Company, Inc., 120 N. Charles Street, Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
San Alto	Perfectos	50	$48	6
Tennyson	Invincibles	50	56	7
York Imperial	De Luxe	50	48	6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark or domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-19352; Filed, Dec. 22, 1944; 11:45 a. m.]

[MPR 260, Order 144]

ROY R. SMITH CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102(b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Roy R. Smith Cigar Company, Wallick Alley, Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Caledonia	Queens	50	$36	2 for 9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–19353; Filed, Dec. 22, 1944; 11:45 a. m.]

[MPR 260, Order 145]

CURVIN E. MILLER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260: *It is ordered*, That:

(a) Curvin E. Miller Co., Rear 30 Pine Street, Red Lion, Pa., (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Miller's Special..	Miller's Special.	50	*Per M* $48	*Cents* 6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–19354; Filed, Dec. 22, 1944; 11:45 a. m.]

[MPR 260, Order 146]

HARRY NOLIBOFF

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Harry Noliboff, 176½ Shelton Avenue, New Haven, Conn. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Grandstone.....	----------	50	*Per M* $72	*Cents* 9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of

the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-19355; Filed, Dec. 22, 1944; 11:44 a. m.]

[MPR 260, Order 148]

W. J. NEFF & Co.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) W. J. Neff & Co., Hyson Alley, Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Priority	Perfecto	50	$56	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-19356; Filed, Dec. 22, 1944; 11:44 a. m.]

[MPR 260, Order 151]

JAMES FREY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) James Frey, 40 W. Maple Street, East Prospect, Pa. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Frey's De Luxe	Frey's De Luxe.	50	$48	6
Santa Clara		50	48	6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-19357; Filed, Dec. 22, 1944; 11:44 a. m.]

[MPR 260, Order 152]

LA SIGNA CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) La Signa Cigar Co., 1211–13 W. Walnut St., Milwaukee, Wis. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Milwaukee Special.	Special	50	*Per M* $115	*Cents* 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–19358; Filed, Dec. 22, 1944; 11:44 a. m.]

[MPR 260, Order 153]

BEN WARE

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Ben Ware 3101 2nd Ave., Des Moines, Iowa (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
El Ciro	----------	50	*Per M* $75	*Cents* 10

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–19359; Filed, Dec. 22, 1944; 11:43 a. m.]

[MPR 260, Order 154]

PENNSTATE CIGAR CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Pennstate Cigar Corporation, 426 E. Allegheny Avenue, Philadelphia 34, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Wedgewood	Panatela	50	*Per M* $32	*Cents* 4

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding

sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-19360; Filed, Dec. 22, 1944; 11:43 a. m.]

[MPR 230, Order 155]

H. VEGA CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) H. Vega Cigar Factory, 501 E. Amelia Avenue, Tampa 3, Florida (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
H. Vega	Vega	50	$82.50	11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by §1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-19361; Filed, Dec. 22, 1944; 11:43 a. m.]

[MPR 260, Order 156]

NATIONAL CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) National Cigar Company, 110 E. 11th Street, Los Angeles 15, Calif. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Omar	Ideals	50	$130	3 for 50
	Colonels	50	115	15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-19362; Filed, Dec. 22, 1944; 11:42 a. m.]

[MPR 260, Order 157]

W. S. RUNKLE

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) W. S. Runkle, R. D. #1, Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
H. F. S. Smoker	Perfecto	50	$60	2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-19363; Filed, Dec. 22, 1944; 11:42 a. m.]

[MPR 260, Order 158]

FABER, COE & GREGG, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) Faber, Coe & Gregg, Inc., 206 W. 40th Street, New York 18, New York (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Belinda	Best Value	25	$195	25

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 23, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-19364; Filed, Dec. 22, 1944; 11:41 a. m.]

[MPR 266, Order 12]

CERTAIN TISSUE PAPER PRODUCTS

AUTHORIZATION OF MAXIMUM PRICES

Amendment 10 to Maximum Price Regulation 266, effective September 4, 1944, provides that on f. o. b. mill shipments by manufacturers to the Army, Navy or Lend-Lease Administration the aggregate maximum price including freight charges on any such shipment should not exceed the highest price charged for such shipment in March 1942. Following this effective date, it has come to the attention of this Office that manufacturers, in view of Amendments 7 and 9 to Maximum Price Regulation 266, interpreted such sales as permitting the addition of the total transportation charges irrespective of the March 1942 level and consequently have contracted for sales of these items to the Army, Navy and Lend-Lease Administration on this basis.

Resulting conferences with the industry involved have indicated that great weight must be accorded to the interpretation given by this industry to such shipments prior to Amendment 10. Production and distribution of these items are essential to the effective prosecution of the war. Based upon the recommendations of the Industry Advisory Committee this Office intends to review the entire problem of f. o. b. mill shipments in the light of data to be furnished it. Anticipating that a considerable amount of time may be involved before final action is taken, the granting of an authorization to use adjustable pricing is deemed necessary to promote production and distribution of the commodities involved. The granting of such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, and in accordance with § 1347.502 of Maximum Price Regulation 266, *It is ordered,* That:

(a) Manufacturers may sell or agree to sell the items for which maximum prices are established by Maximum Price Regulation 266 to the Army, Navy and Lend-Lease Administration at prices to be adjusted in accordance with the disposition by the Office of Price Administration of the recommendation of the Tissue Industry Advisory Committee that Amendment 10 to Maximum Price Regulation 266 be modified.

(b) Payments in excess of the maximum prices established by said Amendment 10 to Maximum Price Regulation 266 may not be collected or paid, pending further action by this Office.

This order shall become effective December 22, 1944.

Issued this 22d day of December 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–19346; Filed, Dec. 22, 1944; 11:48 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register December 18, 1944.

REGION I

Connecticut Order 2–W, Amendment 1, covering poultry in certain areas in Connecticut, filed 3:22 p. m.

Connecticut Order 2–W, Amendment 2, covering poultry in certain areas in Connecticut, filed 3:22 p. m.

Connecticut Order 2–W, Amendment 5, covering poultry in certain areas in Connecticut, filed 3:22 p. m.

REGION II

Altoona Order 2–F, Amendment 1, covering fresh fruits and vegetables in certain counties in Pennsylvania, filed 3:06 p. m.

Altoona Order 15, covering dry groceries in the Altoona Area, filed 3:07 p. m.

Altoona Order 16, covering dry groceries in the Altoona Area, filed 3.06 p. m.

Baltimore Order 4–F, Amendment 16, covering fresh fruits and vegetables in certain counties in Maryland, filed 3:19 p. m.

Baltimore Order 6–F, Amendment 15, covering fresh fruits and vegetables in certain areas in Maryland, filed 3:26 p. m.

Baltimore Order 6–F, Amendment 16, covering fresh fruits and vegetables in certain areas in Maryland, filed 3:20 p. m.

Baltimore Order 8–W, covering dry groceries in the Baltimore, Md., area, filed 3:20 p. m.

Baltimore Order 32, covering dry groceries in the Baltimore, Md., area, filed 3:21 p. m.

Binghamton Order 2–F, Amendment 11, covering fresh fruits and vegetables in certain areas in New York, filed 3:26 p. m.

District of Columbia Order 2–F, Amendment 12, covering fresh fruits and vegetables in certain counties in Maryland and Virginia, filed 3:27 p. m.

Harrisburg Order 30, covering dry groceries in certain counties in the State of Pennsylvania, filed 3:19 p. m.

Harrisburg Order 31, covering dry groceries in certain counties in the State of Pennsylvania, filed 3:28 p. m.

Harrisburg Order 32, covering dry groceries in certain counties in the State of Pennsylvania, filed 3:27 p. m.

Harrisburg Order 33, covering dry groceries in certain counties in the State of Pennsylvania, filed 3:27 p. m.

Newark Order 5–F, Amendment 9, covering fresh fruits and vegetables in certain counties in the State of New Jersey, filed 3:26 p. m.

Newark Order 5–F, Amendment 10, covering fresh fruits and vegetables in certain counties in the State of New Jersey, filed 3:21 p. m.

Newark Order 5–F, Amendment 11, covering fresh fruits and vegetables in certain counties in the State of New Jersey, filed 3:03 p. m.

Newark Order 6–F, covering fresh fruits and vegetables in certain counties in the State of New Jersey, filed 3:26 p. m.

Newark Order 6–F, Amendment 1, covering fresh fruits and vegetables in certain counties in the State of New Jersey, filed 3:21 p. m.

Trenton Order 4–W, covering dry groceries in the Trenton, N. J., Area, filed 3:05 p. m.

Trenton Order 7–F, Amendment 14, covering fresh fruits and vegetables in certain counties in the State of New Jersey, filed 3:03 p. m.

Trenton Order 22, Amendment 1, covering dry groceries in the Trenton, N. J., Area, filed 3:05 p. m.

Williamsport Order 2–F, Amendment 15, covering fresh fruits and vegetables in certain counties in Pennsylvania, filed 3:21 p. m.

Wilmington Order 4–F, Amendment 13, covering fresh fruits and vegetables in certain counties in Delaware, filed 3:28 p. m.

REGION III

Cincinnati Order 1–F, Amendment 60, covering fresh fruits and vegetables in Hamilton County, Ohio, filed 3:27 p. m.

Cincinnati Order 1–F, Amendment 61, covering fresh fruits and vegetables in Hamilton County, Ohio, filed 3:03 p. m.

Cincinnati Order 2–F, Amendment 54, covering fresh fruits and vegetables in certain counties in Ohio, filed 3:10 p. m.

Indianapolis Order 9–F, Amendment 33, covering fresh fruits and vegetables in certain counties in Indiana and Ohio, filed 3:14 p. m.

Indianapolis Order 10–F, Amendment 33, covering fresh fruits and vegetables in certain counties in Indiana, filed 3:13 p. m.

Indianapolis Order 11–F, Amendment 33, covering fresh fruits and vegetables in certain counties in Ohio, filed 3:13 p. m.

Indianapolis Order 12–F, Amendment 18, covering fresh fruits and vegetables in certain counties in Indiana and Ohio, filed 3:13 p. m.

Saginaw Order 3–F, Amendment 12, covering fresh fruits and vegetables in certain counties in the state of Michigan, filed 3:03 p. m.

REGION IV

Charlotte Order 3–F, Amendment 2, covering fresh fruits and vegetables in certain counties in North Carolina, filed 3:20 p. m.

Memphis Order 6–F, Amendment 10, covering fresh fruits and vegetables in certain counties in Tennessee, filed 3:08 p. m.

Memphis Order 7–F, Amendment 4, covering fresh fruits and vegetables in certain counties in Tennessee, filed 3:26 p. m.

Raleigh Order 10–F, Amendment 4, covering fresh fruits and vegetables in certain counties in North Carolina, filed 3:09 p. m.

Raleigh Order 11–F, Amendment 4, covering fresh fruits and vegetables in certain counties in North Carolina, filed 3:09 p. m.

Savannah Order 7–F, Amendment 8, covering fresh fruits and vegetables in certain counties in Georgia, filed 3:19 p. m.

Savannah Order 8–F, Amendment 8, covering fresh fruits and vegetables in certain counties in Georgia, filed 3:19 p. m.

Savannah Order 9–F, Amendment 8, covering fresh fruits and vegetables in certain counties in Georgia, filed 3:19 p. m.

Savannah Order 10–F, Amendment 8, covering fresh fruits and vegetables in certain counties in Georgia, filed 3:16 p. m.

Savannah Order 11–F, Amendment 8, covering fresh fruits and vegetables in certain counties in Georgia, filed 3:18 p. m.

Savannah Order 12–F, Amendment 1, covering fresh fruits and vegetables in certain counties in Georgia, filed 3:16 p. m.

REGION V

Arkansas Order 2–F, Amendment 38, covering fresh fruits and vegetables in certain counties in Arkansas, filed 3:07 p. m.

Arkansas Order 4–F, Amendment 34, covering fresh fruits and vegetables in certain areas in the State of Arkansas, filed 3:07 p. m.

Arkansas Order 5–F, Amendment 35, covering fresh fruits and vegetables in certain areas in the State of Arkansas, filed 3:08 p. m.

Arkansas Order 6–F, Amendment 36, covering fresh fruits and vegetables in certain counties in the State of Arkansas, filed 3:08 p. m.

Fort Worth Order 1–F, Amendment 48, covering fresh fruits and vegetables in the Fort Worth, Tex., area, filed 3:07 p. m.

Fort Worth Order 2–F, Amendment 48, covering fresh fruits and vegetables in the Fort Worth, Tex., area, filed, 3:12 p. m.

Fort Worth Order 3–F, Amendment 48, covering fresh fruits and vegetables in the Fort Worth, Tex., area, filed 3:12 p. m.

Fort Worth Order 4–F, Amendment 48, covering fresh fruits and vegetables in the Fort Worth, Tex., area, filed 3:11 p. m.

Fort Worth Order 5–F, Amendment 48, covering fresh fruits and vegetables in the Fort Worth, Tex., area, filed 3:11 p. m.

St. Louis Order 4–W, Amendment 4, covering fresh food items in certain areas in St. Louis, filed 3:13 p. m.

St. Louis Order 3–W, Amendment 5, covering certain food items in certain areas in St. Louis, filed 3:12 p. m.

St. Louis Order G–22, covering dry groceries in certain areas in the St. Louis, Mo., area, filed 3:14 p. m.

St. Louis Order G–21, covering dry groceries in the St. Louis, Mo., area, filed 3:16 p. m.

REGION VI

Des Moines Order 1–F, Amendment 46, covering fresh fruits and vegetables in certain areas in Iowa, filed 3:03 p. m.

Peoria Order 2–F, Amendment 32, covering fresh fruits and vegetables in certain counties in Illinois, filed 3:11 p. m.

Peoria Order 3–F, Amendment 31, covering fresh fruits and vegetables in certain counties in Illinois, filed 3:30 p. m.

Peoria Order 3–F, Amendment 38, covering fresh fruits and vegetables in certain counties in Illinois, filed 3:11 p. m.

Peoria Order 4–F, Amendment 26, covering fresh fruits and vegetables in certain counties in Illinois, filed 3:30 p. m.

Peoria Order 4–F, Amendment 27, covering fresh fruits and vegetables in certain counties in Illinois, filed 3:11 p. m.

Peoria Order 5–F, Amendment 14, covering fresh fruits and vegetables in certain counties in Illinois, filed 3:30 p. m.

Springfield Order 2–FS, covering fresh fruits and vegetables in certain counties in Illinois, filed 3:29 p. m.

Springfield Order 2–FS, Amendment 1, covering fresh fruits and vegetables in certain counties in Illinois, filed 3:29 p. m.

Springfield Order 10–F, Amendment 1, covering fresh fruits and vegetables in certain counties in Illinois, filed 3:29 p. m.

Twin Cities Order 1–F, Amendment 7, covering fresh fruits and vegetables in St. Paul and Minneapolis, filed 3:30 p. m.

Twin Cities Order 2–F, Amendment 6, covering fresh fruits and vegetables in Minnesota and Wisconsin, filed 3:29 p. m.

REGION VIII

Nevada Order 6–F, Amendment 4, covering fresh fruits and vegetables in the Nevada area, filed 3:23 p. m.

Nevada Order 7–F, Amendment 4, covering fresh fruits and vegetables in the Nevada area, filed 3:23 p. m.

Nevada Order 8–F, Amendment 4, covering fresh fruits and vegetables in the Nevada area, filed 3:23 p. m.

Nevada Order 9–F, Amendment 4, covering fresh fruits and vegetables in the Nevada area, filed 3:23 p. m.

Nevada Order 10–F, Amendment 4, covering fresh fruits and vegetables in the Nevada area, filed 3:23 p. m.

Phoenix Order 7 under 1–B, Amendment 1, covering community ceiling prices in the Phoenix area, filed 3:10 p. m.

Phoenix Order 9–W, under 2–B, Amendment 4, covering community food prices in the Phoenix area, filed 3:10 p. m.

Phoenix Order 12–W under 2–B, Amendment 1, covering food prices in the Phoenix area, filed 3:10 p. m.

Phoenix Order 8, Amendment 10, covering community ceiling prices in the Phoenix area, filed 3:28 p. m.

San Francisco Order G–14, Amendment 4, covering dry groceries in the San Francisco area, filed 3:28 p. m.

Spokane Order 1–F, Amendment 38, covering fresh fruits and vegetables in Spokane County, Wash., filed 3:25 p. m.

Spokane Order 2–F, Amendment 35, covering fresh fruits and vegetables in Kootenai County, Idaho, filed 3:25 p. m.

Spokane Order 3–F, Amendment 13, covering fresh fruits and vegetables in Shoshone and Kootenai Counties, Idaho, filed 3:25 p. m.

Spokane Order 4–F, Amendment 11, covering fresh fruits and vegetables in certain counties in Washington and Idaho, filed 3:25 p. m.

Spokane Order 5–F, Amendment 18, covering fresh fruits and vegetables in certain counties in Washington and Idaho, filed 3:24 p. m.

Spokane Order 6–F, Amendment 19, covering fresh fruits and vegetables in Walla Walla and Columbia Counties, Wash., filed 3:24 p. m.

Spokane Order 7–F, Amendment 12, covering fresh fruits and vegetables in Benton and Franklin Counties, Wash., filed 3:24 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–19340; filed, Dec. 22, 1944; 11:40 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register December 21, 1944.

REGION VII

Wyoming Order 44, covering community food prices in certain counties in the Wyoming area, filed 10:55 a. m.

Wyoming Order 45, covering community food prices in the Casper area, filed 10:56 a. m.

Wyoming Order 46, covering community food prices in the Cheyenne and Laramie area, filed 10:53 a. m.

Wyoming Order 47, covering community food prices in certain areas in the State of Wyoming, filed 10:56 a. m.

Wyoming Order 48, covering community food prices in certain areas in the State of Wyoming, filed 10:57 a. m.

Wyoming Order 49, covering community food prices in the Rock Springs area, filed 10:55 a. m.

Wyoming Order 50, covering community food prices in the Sheridan area, filed 10.54 a. m.

REGION VIII

Los Angeles Order 1–F, Amendment 45, covering fresh fruits and vegetables in the Los Angeles area, filed 10:53 a. m.

Los Angeles Order 1–F, Amendment 46, covering fresh fruits and vegetables in certain areas in California, filed 10:53 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–19341; Filed, Dec. 22, 1944; 11:40 a. m.]

OFFICE OF WAR MOBILIZATION.

CIVILIAN REPLACEMENT TIRES

DEFERMENT OF EXPIRATION OF TEMPORARY MAXIMUM PRICE INCREASES

DECEMBER 14, 1944.

I understand that the Office of Price Administration has proposed to issue Amendment No. 3 to Revised Maximum Price Regulation 143 which, while continuing the 6.5% increase on civilian replacement truck tires, would permit the expiration on December 15, 1944, of the 8.9% temporary increase in manufacturers' maximum prices for civilian replacement passenger car tires, as well as eliminate the differential of 12½% on civilian replacement tires of rayon construction.

Based on recommendations from the responsible production officials, I find that the deferment of the issuance of this amendment and the continuance of the existing temporary price increases until April 15, 1945 is necessary to aid in the effective prosecution of the war.

This finding is based on the following considerations: (1) a state of dire emergency exists with respect to the supply of heavy-duty tires and tubes; (2) production of such tires and tubes must be greatly increased without delay and an extensive Government program has been developed to that end; (3) because of the demands of this program and because the processes of synthetic tire and tube manufacture are still in course of development, abnormal or unexpected costs may be incurred in the effort to maximize production; (4) it is of the utmost important that no price action with respect to any types of civilian replacement tires and tubes be taken during the period of the emergency which might deter the incurring of costs essential to maximizing production of heavy-duty tires and tubes for all purposes.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9347, I hereby direct that the issuance of the Amendment to Revised Maximum Price Regulation 143 be deferred, and that the temporary price increases for manufacturers now authorized under Revised Maximum Price Regulation 143 be continued until April 15, 1945.

Should the emergency which has occasioned this directive terminate before April 15, 1945, this directive will be withdrawn.

JAMES F. BYRNES,
Director.

[F. R. Doc. 44–19325; Filed, Dec. 22, 1944; 9:02 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 54–114]

CENTRAL MAINE POWER CO.

ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of December 1944.

Central Maine Power Company, a subsidiary of New England Public Service Company, a registered holding company, having filed a plan with respect to its direct subsidiary, Portland Railroad Company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 providing for the release by Portland Railroad Company of Cumberland County Power and Light Company, original lessee, and Central Maine Power Company, successor lessee, from all liabilities under a lease by which Central Maine Power Company, as lessee, operates a transportation system owned by Portland Railroad Company, the sale of such transportation system, the purchase by Central Maine Power Company from Portland Railroad Company for $134,364 of certain real estate, electrical equipment and power lines now owned by Portland Railroad Company, the call and redemption of the 3½% First Consolidated Mortgage Gold Bonds due July 1, 1951 at the principal amount plus interest to July 1, 1945, the payment of the 5%

First Lien and Consolidated Mortgage Gold Bonds due November 1, 1945 at the principal amount thereof plus interest to November 1, 1945, the payment to holders (other than Central Maine Power Company) of the capital stock of Portland Railroad Company of $110 per share, the indemnification of the public stockholders of Portland Railroad Company against any and all liabilities which may be asserted against them or any one of them by reason of any debts, obligations or liabilities incurred by or asserted against Portland Railroad Company by reason of any transactions prior to the day following the effective date of the termination of the lease, the indemnification of the trustee under the mortgage securing the 3½% First Consolidated Mortgage Gold Bonds due July 1, 1951 and all stockholders of Portland Railroad Company against any and all liability by reason of the discharge of said mortgage, the payment of certain fees and expenses and the solicitation by Portland Railroad Company of the holders of its capital stock for proxies approving the proposed transactions; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said plan be and the same hereby is approved, subject to the terms and conditions prescribed in Rule U-24, and the reservation of jurisdiction hereinafter indicated.

It is further ordered, That jurisdiction is hereby reserved with respect to fees and expenses of counsel and all other items of expense covered by the provision for unforeseen contingencies.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-19323; Filed, Dec. 22, 1944; 9:42 a. m.]

[File No. 70-1002]

SOUTH CAROLINA POWER CO. AND THE COMMONWEALTH & SOUTHERN CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of December, A. D. 1944.

Notice is hereby given that a joint application and declaration has been filed with this Commission, under the Public Utility Holding Company Act of 1935 and particularly under sections 6, 7, 9, 10 and 12 and Rules U-42, U-43, U-44, U-45 and U-50 promulgated thereunder, by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, and its subsidiary, South Carolina Power Company ("South Carolina"), a public utility company, whereby South Carolina proposes to undertake a general program of refinancing and to make certain accounting adjustments in its plant, capital stock and surplus accounts.

All interested persons are referred to said document which is on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

South Carolina proposes to issue and sell to the public, through underwriters selected pursuant to the competitive bidding provisions of Rule U-50, $8,000,000 principal amount of new 30 year First and Refunding Mortgage Bonds of a series bearing interest at a rate not to exceed 3¼% per annum; and to issue and sell at private sale to banks, $2,400,000 principal amount of instalment promissory notes bearing interest at the rate of 2¼% per annum payable in 20 equal semi-annual instalments of which the first instalment shall be payable six months after the date of said notes.

The application states that the issuance and sale by South Carolina of the new bonds and the borrowing from banks are exempt from the provisions of section 6 (a) of the act by virtue of the third sentence of section 6 (b), as such debt would be incurred solely for the purpose of financing the business of South Carolina as a public utility company, and with the express authorization of the South Carolina Public Service Commission, the State Commission of the State in which South Carolina is organized and doing business.

The net proceeds from the sales of the above securities together with funds on deposit with trustees are to used by South Carolina.

(1) For the redemption of the following securities of South Carolina outstanding in the hands of the public:

(a) 23,023 shares of $6 Preferred Stock, without par value, at the call price of $110 per share, or an aggregate redemption price, exclusive of accrued dividends, of $2,532,530.00.

(b) $3,959,000 principal amount of First Lien and Refunding Mortgage Bonds, 5% Series due 1957, at the redemption price of 102⅛% (to be redeemed on July 1, 1945), or an aggregate redemption price, exclusive of accrued interest, of $4,046,098.00.

(2) For the acquisition from Commonwealth and retirement of $3,411,000 principal amount of such First Lien and Refunding Mortgage Bonds, at Commonwealth's cost of $2,855,562.50.

(3) To reimburse South Carolina for funds deposited for the redemption on January 1, 1945 of $641,500 principal amount of Georgia-Carolina Power Company First Mortgage Bonds, at 105% of the principal amount, or an aggregate redemption price, exclusive of accrued interest, of $673,575.00.

In connection with the proposed financing, Commonwealth proposes to make contributions to South Carolina by surrendering for cancellation the following:

(a) $1,850,000 principal amount of South Carolina's First Lien and Refunding Mortgage Bonds, 5% Series due 1957.

(b) 5,550 shares of South Carolina's 6% Preferred Stock, without par value.

Such contributions, to be made at Commonwealth's cost of $2,292,831.86, are proposed as an additional investment by Commonwealth in the common stock of South Carolina, without the issuance of additional shares, increasing the amount of the common capital stock account represented by the 600,000 shares of no par value common stock outstanding from $7,949,670.51 to $10,242,502.37. This account is thereupon proposed to be reduced to $4,257,841.25, and the reduction of $5,984,661.12 is to be credited to capital surplus.

Giving effect to this transaction and certain other proposed accounting adjustments, the capital surplus will amount to $6,195,024.81. Commonwealth then proposes to dispose of $6,195,024.81 of the balance in Account 100.5, Electric Plant Acquisition Adjustments, classified by the company as relating to non-physical elements, by a charge of that amount to capital surplus account, in order to comply with the requirements of orders of the Federal Power Commission and the South Carolina Public Service Commission dated August 18, 1944 and August 23, 1944, respectively.

The application further states that South Carolina agrees that the Commission's order herein may contain a condition to the effect that, so long as any of the new bonds shall remain outstanding, it will not declare or pay any dividends on its common stock (other than dividends payable in common stock) or make any distribution of assets to holders of common stock by purchase of shares or otherwise, in an amount which, when added to the aggregate of all such dividends and distributions subsequent to the last day of the month in which the new bonds are issued, would exceed 75% of the net income of South Carolina earned subsequent to said date available for the payment of dividends on the common stock if, at the time of the declaration of any such dividend or the making of any such distribution, the aggregate of the par value of, or stated capital represented by, the outstanding shares of all classes of stock and of surplus, exclusive of any amounts which may then be classified on its books as amounts in excess of original cost of utility plant and which are not provided for by reserve, would be less than an amount equal to 40% of the total capitalization and surplus of South Carolina.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and declaration and that said application and declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission;

It is ordered, That a hearing on the application and declaration under the applicable provisions of the act and the rules of the Commission thereunder be held on January 4, 1945, at 11:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of issues presented by the application and declaration, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed issue and sale of bonds and notes by South Carolina are solely for the purpose of financing the business in which it is engaged;

(2) Whether the proposed capital contributions by Commonwealth to South Carolina comply with the applicable provisions of the act and the rules thereunder;

(3) Whether the fees, commission, or other remunerations to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount;

(4) Whether the proposed accounting entries are appropriate and in accord with sound accounting practice;

(5) Whether and to what extent it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms and conditions upon the proposed transactions;

(6) Generally, whether, in any respect, the proposed transactions are detrimental to the public interest or to the interest of investors or consumers or will tend to contravene or circumvent any provisions of the act or the rules, regulations or orders promulgated thereunder.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order on the applicants and declarants herein and on the Federal Power Commission and the Public Service Commission of the State of South Carolina by registered mail; and that notice of said hearing be given to all other persons by publication of this order in FEDERAL REGISTER. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission, on or before January 3, 1945, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-19324; Filed, Dec. 22, 1944; 9:42 a. m.]